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Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Staff retention and legacy issues

Report of the Secretary-General

Summary

In its resolutions 59/273 and 59/274 of 23 December 2004, the General Assembly requested the Secretary-General, in consultation with the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia, to submit proposals on ways to ameliorate the staffing situation at the Tribunals in the context of the proposed budget for the biennium 2006-2007. The Assembly also requested the Secretary-General to make every effort to reduce the vacancy rate and improve staff retention at the Tribunals, including by extending contracts of staff performing functions that are central to the implementation of the completion strategy beyond the period of the current budget.

The first part of the report is presented in response to that request. It is proposed that the General Assembly endorse the introduction of a retention bonus to staff members whose functions would be required to fulfil the completion strategy.

The second part of the report deals with the legacy issues that will be faced by the Tribunals upon completion of their respective mandates. These issues have been highlighted in the present report to bring them to the attention of the General Assembly, as they will have financial implications after the closure of the Tribunals.

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The Tribunals are currently discussing the issues with the relevant authorities at Headquarters, and concrete proposals and recommendations, will be submitted in the context of the programme budget for the biennium 2008-2009. Therefore, the Assembly is requested to take note of the issues.

I. Staff retention at the Tribunals

Introduction

1. In its resolutions 59/273 and 59/274 of 23 December 2004, the General Assembly requested the Secretary-General, in consultation with the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 and the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, to submit proposals on ways to ameliorate the staffing situation at the Tribunals in the context of the proposed budget for the biennium 2006-2007. In addition, the Assembly requested the Secretary-General to make every effort to reduce the vacancy rate and improve staff retention at the Tribunals, including by extending contracts of staff performing functions that are central to the implementation of the completion strategy beyond the period of the current budget.

2. Pursuant to that request, the Tribunals are proposing certain incentives for staff members that could be put in place in to ensure the timely completion of the mandates of the Tribunals by curtailing the flow of departures of experienced Tribunal staff that has been evidenced during the current biennium. Currently, the prospect of more attractive benefits and/or longer-term appointments than those offered by the Tribunals have encouraged staff to apply for posts in other United Nations and common system organizations, peacekeeping missions and the International Criminal Court, well in advance of the completion of their appointments. With the recent endorsement of the completion strategy by the Security Council, such attrition may become even more critical as the Tribunals approach the 2007/2008 time frame for the completion of their work. Having to replace key personnel in many areas of the Tribunals, i.e. investigations, appeals, prosecution and chambers, will impact negatively on the trials, which in turn will adversely affect the completion strategy. Although no one single measure will be sufficient to ensure that all staff remain with the Tribunals until completion of the mandate, it is apparent that certain incentives, if offered, could have a positive impact on retaining staff for a longer period of time.

3. However, as the Tribunals are moving closer to their completion dates, it is expected that the number of departures will increase further. That will slow down the speed with which trials are completed, and the financial costs associated with recruitment and training of new staff could be considerable. This could leave the organizations in a vulnerable position and affect their ability to meet the time and quality demands of the completion of their mandate.

The importance of retaining staff

4. The Tribunals are required to function at maximum speed and efficiency in order to meet their targets of finalizing trials by the end of 2008 and completing appeals by 2010. A critical aspect of reaching these targets is maintaining the highly skilled and specialized staff, even in the face of the need for an orderly downsizing

of that staff. The loss of institutional knowledge sometimes has serious consequences that may result in the slowing of the progress of trials. The Tribunals run massive multi-accused trials that generate thousands of pages of documentation. Some of the investigators attached to those trials have acquired knowledge of the trials over a period of 8 to 10 years. That knowledge cannot be replaced within a year or two, and, when lost, the trial team is placed at a huge disadvantage, unable to run the trial at a pace and with the ability conducive to completion.

5. In all categories and occupational groups, staff members at the Tribunals possess skills and institutional knowledge that make them essential to the daily functioning of the mission. The specialized experience and knowledge relative to the events that took place in the Balkans and Rwanda will be difficult to replace should key legal and investigative staff continue to leave in the numbers now being experienced. The specialized knowledge of the regions and the respective conflicts, the knowledge of international law (much of which has been developed within the Tribunals) and the operation of an international criminal tribunal are all unique to the Tribunals and to the staff currently on board. With each departure of staff, institutional knowledge and specific expertise is lost, and must be learned by a new recruit, at all levels and in all functions. The time needed to bring new staff up to speed has an immediate impact on the effectiveness and timeliness of court activity and related actions (i.e., inter alia, appeals and judgements).

6. Whether it is in terms of legal, administrative or language staff, the departure of key staff has immediate repercussions for the courts. For example, a senior trial attorney must have the highest credentials and experience from the home jurisdiction before becoming eligible for recruitment. Upon arrival, that same attorney must spend months developing a sufficient knowledge of the unique legal system of the Tribunal and the detailed facts of a case (which can involve the review of thousands of documents). Finally, although the official languages used in both Tribunals are English and French, the use of local languages is necessary for trials to proceed. This involves the translation of millions of pages of documents and the interpretation during the court proceedings from and into French and English and from Bosnian/Serbian/Croatian and Kinyarwanda into French and English. It is therefore critical that skilled language staff are retained to complete the work directly relating to the trials in both the Tribunals.

7. It is apparent therefore that the work of the Tribunals, at a pace that is commensurate with meeting the completion targets, requires retention and continuity of the specialized staff that allows the Tribunals to function.

Initial measures implemented by the Tribunals

8. In the period immediately following the announcement in 2002 of the completion strategy, both staff and management decided that any reduction of posts and staff should be undertaken in the first instance through attrition.

9. A staff survey conducted by the International Tribunal for the Former Yugoslavia Staff Union identified two major issues of concern: (a) the status of staff of the Tribunals vis-à-vis the Secretariat; and (b) the lack of job security. The results of the survey also highlighted the need for enhanced training and for staff and personal development and to address life-work issues.

10. Staff members of the Tribunals are not considered internal candidates when applying for positions elsewhere in the Secretariat. However, it was agreed with the Secretariat that arrangements could be made to allow Tribunal staff whose posts would be abolished to be considered at the 30-day mark for a period of six months prior to their separation date and to be able to retain that eligibility for a further six months after the post is abolished if they have not been successful in finding alternative employment with the United Nations prior to separation.

11. In order to provide a stronger sense of career security and to improve staff morale, it was decided to extend the length of employment contracts to a period of two years for all Tribunal staff. Through the introduction of flexible work arrangements, the establishment of an internal G to P examination at the Tribunals (after the Office of Human Resources Management had determined that Tribunal staff were not eligible to take part in the Secretariat competitive examination) and related activities, the Tribunals have strived to overcome staff anxieties and concerns.

12. Owing to cash flow constraints faced by the Tribunals, a recruitment freeze came into effect from 1 May through the end of December 2004. As a result, the Tribunals started to experience a sizeable number of departures by both Professional and General Service staff, a trend that continues to date. In order to promote a greater interest in remaining with the Tribunals, a number of special measures to counteract the attrition have been proposed jointly by the Tribunals which were endorsed by the Office of Human Resources Management and which include the reduction of the required post incumbency from two years to one year before staff can apply for posts at a higher level in the Tribunals. This has increased the possibility for the promotion of staff who otherwise meet the high qualification standards. The Tribunals have also placed greater emphasis on training, lateral reassignments and the recruitment of spouses, and a number of additional administrative measures that allow greater flexibility for both the staff and organization.

13. Training activities within both Tribunals have increased. Further expansion will address technical training and will also focus on courses and activities related to personal and professional development. Both Tribunals have developed internal measures to further career planning activities, such as the provision of special leave arrangements for training purposes and the establishment of a career transition centre to assist staff in pursuing career changes.

14. The Tribunals are currently considering additional measures to maintain the required staffing level and quality until completion of its mandate, should this be required. This includes the possibility of approaching national Governments for reimbursable short-term loans of highly qualified staff. Other options are to encourage organizations of the United Nations system to facilitate the secondment or temporary assignment of staff, bring staff on board under the United Nations-managed voluntary lateral reassignment programme during the final stages of the Tribunals or retain the services of staff beyond the retirement age. It is recognized, however, that it would be in the interest of all parties if such instances would be reduced to a minimum and if the cases could be completed with existing, experienced staff.

Proposal for a retention bonus

15. Although the above-mentioned measures have had a positive impact on staff morale, they are not sufficient to motivate staff to remain with the organization until notification that their posts are being abolished or until the completion of the mandate. The Tribunals therefore propose the introduction of a retention bonus. In the International Tribunal for the Former Yugoslavia staff survey mentioned in paragraph 9 above, over 80 per cent of staff indicated that they would consider remaining until the organization would no longer require their services if a retention bonus were to be offered. The methodology suggested for establishing such a bonus is along the lines of the current termination indemnity applicable to Secretariat staff, as provided for in annex III of the Staff Regulations. The termination indemnity is not an entitlement for staff at the Tribunals. The proposed bonus would only apply to the Tribunals, whose unique status is anchored in the fact that they are temporary in nature, have limited mandates and will both close down in accordance with the completion strategy.

Applicability

16. It is proposed that the retention bonus would be applicable to staff who are required to be retained until the specific posts are no longer needed. There would be specific limitations for which no bonus would be paid. Staff would not be eligible in cases where:

(a) They were recruited as of a specified date (possibly after the formal approval of the retention bonus or some two years before completion of the mandate);

(b) They terminate their employment prior to the cessation of need for their services;

(c) Their fixed-term appointment was terminated or not renewed on disciplinary grounds or owing to reasons specified in Staff Regulation 9.1 (a) or for such other reason as may be specified in their letter of appointment.

17. It is believed that for many staff who are offered very advantageous career opportunities, the retention bonus will probably not be sufficient for them to pass up a solid career option. It is therefore anticipated that the offer of a retention bonus could apply to as few as only half of the existing staff of the Tribunals.

18. Based on the length of tenure of existing staff within the two Tribunals, it is expected that the financial implications of a retention bonus will be offset by the costs associated with higher rates of turnover of staff. Considerable expenditures would be incurred in respect of installation and repatriation costs should existing staff continue to depart at the current rates. At the same time, substantial savings can be made if the Tribunals do not need to invest in the hiring and training of new staff, which not only is costly, but also will affect productivity and, by extension, could affect the ability of the Tribunals to meet the completion targets of their mandates within the stipulated time frame.

II. Legacy issues for the Tribunals

19. The statutes of the Tribunals provide for the continuation of a number of functions after the completion of their mandates. These residual functions include judicial, legacy and administrative issues.

20. The judicial issues include:

(a) The supervision of the enforcement of sentences, the early release of convicts, the commutation of sentences and pardons;

(b) The number of functions related to witness protection and monitoring of witness relocation agreements with third countries that will have to be carried out after the Tribunals close their doors;

(c) The establishment of a mechanism to address requests from convicted persons who are entitled to submit a request for review of judgement based on new facts not known at the time of trial and/or appeal in accordance with the Tribunal's statutes and rules of procedure and evidence;

(d) Arrangements that should be made for the monitoring of cases referred to national jurisdictions (under rule 11 bis) and/or the possible revocation of such referrals and eventual return of cases to the Tribunals' jurisdiction;

(e) A monitoring/disciplinary mechanism required to handle possible disciplinary proceedings that may arise against defence counsel after the end of the Tribunals' mandate.

21. The Tribunals' legacy of ending impunity and establishing historical facts and of supporting the rule of law must be preserved for the benefit and use of the people of the region, Governments, non-governmental organizations, educational institutions and the public at large. Access to the jurisprudence of these same institutions, as well as the other emerging tribunals (e.g. for Sierra Leone and Cambodia) is already considerable. Steps are being taken to secure the legacy of the Tribunals in the light of the completion strategy and to start planning (in consultation with the Office of Legal Affairs and the Office of Central Support Services) how to preserve most responsibly and effectively the work of the Tribunals, comply with United Nations archiving requirements and ensure that its work is accessible in the future.

22. On the administrative side, arrangements and related provisions must be made for (a) the payment of pensions to judges and surviving spouses after the closure of the Tribunals; and (b) the liabilities associated with the after-service health insurance scheme for retired staff members. Actuarial valuations are in the process of being made in respect of pensions of judges and surviving spouses, and recommendations will be presented for the consideration of the General Assembly in the context of the 2008-2009 proposed budget. Meanwhile, proposals regarding after-service health insurance are included in the report on liabilities and proposed funding for after-service health benefits to be submitted to the Assembly during its current session.

23. Finally, a decision will have to be made regarding the legal nature, composition and location of the entity which will be entrusted with the responsibility of carrying out the various legal and administrative functions described above. This could include: (a) the continuation of a residual part-time

tribunal; or (b) a similar combined mechanism supporting both Tribunals and other special courts, such as the Special Court for Sierra Leone. Alternatively, consideration could also be given to establishing a war crimes foundation for all United Nations tribunals with a wider mandate encompassing also the Nuremberg Court and other courts.

24. Efforts are currently under way by both Tribunals to address the wide range of issues mentioned above in consultation with the Office of Legal Affairs and United Nations central administrative services (Office of Planning, Budget and Accounts, Office of Human Resources Management and Office of Central Support Services) with a view to developing a final position and recommendations to the General Assembly concerning all aspects of the important issues under consideration during the next biennium.

III. Conclusions and recommendations

Staff retention

25. **The implementation of a retention bonus, in combination with other measures such as those described in paragraphs 10 through 13 above, will substantially impact on the ability of the Tribunals to meet their mandates. The introduction of a fair and transparent policy to guide the gradual reduction of staff has alleviated some initial anxieties and concerns of staff.**

26. **The experiences of other organizations that faced downsizing or closure in providing financial incentives to staff indicate that, while not a guarantee for retaining staff, a retention bonus could serve as a determining factor for some key staff.**

27. **Based on the foregoing, the General Assembly is requested to approve the establishment of a retention bonus for the staff at the Tribunals effective 1 January 2006.**

Legacy issues

28. **The General Assembly is requested to take note of the legacy issues related to the Tribunals.**

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Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations

Updated financial position of closed peacekeeping missions as at 30 June 2005

Report of the Secretary-General

Summary

The present report provides information on the updated financial position of 19 closed peacekeeping missions as at 30 June 2005.

The Secretary-General recommends that the General Assembly approve the retention of the cash balances of closed peacekeeping missions in light of the experience as regards cash requirements of the Organization during 2004/05.

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I. Introduction

1. The present report provides updated information on the financial position of the following closed peacekeeping missions for which final performance reports have already been issued: the Military Observer Group of the United Nations Verification Mission in Guatemala (MINUGUA); the United Nations Mission in Bosnia and Herzegovina (UNMIBH); the United Nations Mission in Haiti (UNMIH); the United Nations Observer Group in Central America (ONUCA) and the United Nations Observer Mission in El Salvador (ONUSAL); the United Nations Operation in Mozambique (ONUMOZ); the United Nations Operation in Somalia (UNOSOM); the United Nations Preventive Deployment Force (UNPREDEP); the United Nations Protection Force, the United Nations Confidence Restoration Operation in Croatia, the United Nations Preventive Deployment Force and the United Nations Peace Forces headquarters (UNPF); the United Nations Support Mission in Haiti (UNSMIH), the United Nations Transition Mission in Haiti (UNTMIH) and the United Nations Civilian Police Mission in Haiti (MIPONUH); the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) and the Civilian Police Support Group; the United Nations Transitional Authority in Cambodia (UNTAC); the United Nations Mission of Observers in Tajikistan (UNMOT); the United Nations Angola Verification Mission (UNAVEM) and the United Nations Observer Mission in Angola (MONUA); the United Nations Observer Mission in Liberia (UNOMIL); the United Nations Observer Mission Uganda-Rwanda (UNOMUR) and the United Nations Assistance Mission for Rwanda (UNAMIR); the United Nations Military Liaison Team in Cambodia (UNMLT); the United Nations Iran-Iraq Military Observer Group (UNIIMOG); the United Nations Mission in the Central African Republic (MINURCA) and the United Nations Transition Assistance Group (UNTAG).

2. The net cash available for credit to Member States as at 30 June 2005 amounted to $126,304,000 as set out below.

Table 1
Consolidated cash position of UNMIBH, UNMIH, ONUCA/ONUSAL, UNPREDEP, UNPF, UNTAES/Civilian Police Support Group, UNAVEM/MONUA, UNOMUR/UNAMIR, UNMLT, UNMOT, UNTAG, UNOMIL and UNIIMOG as at 30 June 2005

(Thousands of United States dollars)

Category	*Amount*
Cash assets	262 217
Less: amount to be returned to Member States[a]	43 750
Less: other liabilities	92 163
Cash available for credit to Member States as at 30 June 2005	**126 304**

[a] Amounts represent the respective share of Member States in the cash balance of UNPF and UNMIH as at 30 June 2002 that remain outstanding pending receipt of their assessed contributions for the funding of the strategic deployment stocks (General Assembly resolution 56/292 of 27 June 2002).

3. The composition of the net cash balance of $126,304,000 in the respective missions is shown in table 2 below.

Table 2
Closed peacekeeping missions with cash balances as at 30 June 2005
(Thousands of United States dollars)

Mission	*Amount*
UNMIBH	10 441
UNMIH	15 130
ONUCA/ONUSAL	1 104
UNPREDEP	8 248
UNPF	27 307
UNTAES/Civilian Police Support Group	13 155
UNAVEM/MONUA	21 590
UNOMUR/UNAMIR	15 980
UNMLT	118
UNMOT	2 277
UNTAG	2 342
UNOMIL	4 294
UNIIMOG	4 318
Total	**126 304**

4. The amount of $126,304,000 shown in tables 1 and 2 is net of loans totalling $41.8 million owed by four peacekeeping missions ($20 million by UNMIK, $9 million by MINURSO, $9.4 million by MIPONUH and $3.4 million by MINURCA), which remained unpaid as at 30 June 2005.

5. Six of the 19 peacekeeping missions included in the present report reflected cash deficits totalling some $90.6 million as at 30 June 2005 owing to outstanding payments of assessed contributions, as shown in table 3.

Table 3
Closed peacekeeping missions with cash deficits as at 30 June 2005
(Thousands of United States dollars)

Category	*Amount*
Cash assets	5 113
Less: liabilities	95 757
Operating deficit as at 30 June 2005	**(90 644)**

6. The liabilities include loans amounting to $25,636,000 owed to closed peacekeeping missions ($12,816,000) and to the Peacekeeping Reserve Fund ($12,820,000). The composition of the operating deficit of $90,644,000 in the respective missions is shown in table 4.

Table 4

Closed peacekeeping missions with cash deficits as at 30 June 2005

(Thousands of United States dollars)

Mission	*Amount*
MINUGUA Military Observer Group	(129)
ONUMOZ	(870)
UNOSOM	(17 357)
UNSMIH/UNTHMIH/MIPONUH	(7 599)
UNTAC	(40 836)
MINURCA	(23 853)
Total	**(90 644)**

7. Information on unpaid assessments, accounts payable to Member States and other liabilities as at 30 June 2005, as requested by the Advisory Committee on Administrative and Budgetary Questions in paragraph 5 of its report (A/59/790), is shown in the annex to the present report.

II. Cash requirements of the Organization

8. As indicated in paragraph 4 above, outstanding loans from closed peacekeeping missions in cash deficit as at 30 June 2005 to other closed peacekeeping missions amounted to $12,816,000 ($9,366,000 owed by MIPONUH and $3,450,000 by MINURCA). As a result of the high level of outstanding assessments in the special accounts of some ongoing missions, there is a continuing need to borrow from closed missions. In addition, temporary cash shortfalls in the regular budget and Tribunals are met by borrowings from closed missions. During fiscal year 2005, loans to active peacekeeping missions and the regular budget peaked at a level of $109.55 million. Borrowings as at 30 June 2005 amounted to $29 million ($20 million owed by UNMIK and $9 million by MINURSO). It is also anticipated that the Organization may have to resort to further cross-borrowing for the regular budget and the Tribunals before 31 December 2005.

9. Moreover, the General Assembly has only provided commitment authority for the period from 1 July to 31 October 2005 to two large peacekeeping operations, namely, the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and the United Nations Mission in the Sudan (UNMIS). The full budgets for these Missions covering the period from 1 July 2005 to 30 June 2006, as well as the UNMIS budget covering the period from 1 July 2004 to 30 June 2005, will be reviewed by the Assembly at its current session. Once the Assembly has taken action in November, assessment notices will be issued. Experience has shown that there is a significant time lag of about 60 to 120 days between the issuance of

assessments and the collection of contributions. Pending the payment of assessed contributions, the shortfall would have to be met from loans from closed peacekeeping missions.

III. Action to be taken by the General Assembly

10. **The Secretary-General recommends that the General Assembly approve the retention of the cash balance of $126,304,000 available in 13 closed peacekeeping missions in light of the experience as regards cash requirements of the Organization during 2004/05.**

Annex

Closed peacekeeping missions: unpaid assessments, accounts payable to Member States and other liabilities as at 30 June 2005

(Thousands of United States dollars)

Mission	*Unpaid assessments*	*Accounts payable to Member States*[a]	*Other liabilities*
Military Observer Group of MINUGUA	147	1	162
UNMIBH	35 839	8 116	912
UNMIH	221	14 679	9
ONUCA/ONUSAL	2 102	3 556	8
ONUMOZ	18 328	1 292	4
UNOSOM	59 437	19 746	1
UNPREDEP	1 310	7 642	17
UNPF	149 518	11 577	583
UNSMIH/UNTMIH/MIPONUH	19 457	242	9 376
UNTAES/Civilian Police Support Group	9 049	9 094	21
UNTAC	41 822	40 867	71
UNMOT	23	2 467	5
UNAVEM/MONUA	35 873	8 568	702
UNOMIL	72	3 289	1
UNOMUR/UNAMIR	7 633	4 069	6
UNMLT	13	108	1
UNIIMOG	18	4	8
MINURCA	35 603	7 489	16 506
UNTAG	24	16 720	1

[a] Inclusive of amounts owed to troop-contributing countries for, inter alia, contingent-owned equipment, as well as credits to Member States from unencumbered balances pending instructions on their disposition.

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Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields

Follow-up to the outcome of the Millennium Summit

Letter dated 7 October 2005 from the Permanent Representative of Venezuela (Bolivarian Republic of) to the United Nations addressed to the President of the General Assembly

On the afternoon of 13 September 2005, the United Nations General Assembly was convened, under the presidency of Ambassador Jean Ping, to adopt a draft resolution, dated 13 September 2005, concerning the reform of the United Nations (reissued on 20 September 2005 "for technical reasons"), for submission to the heads of State and Government of the States Members of the United Nations at the High-level Plenary Meeting on 16 September 2005. The document supposedly encompassed the positions of the 191 Member States and was intended to conclude the fifty-ninth session of the General Assembly, which opened on 14 September 2004.

The draft resolution was circulated in English only to the delegations in the Hall approximately five to ten minutes before its adoption "by consensus". This meant that we all barely had time to take a quick look at the document before the President issued his peremptory decision on its content. In fact, hardly had the delegations received the document, and with no opportunity for consultations on its content, to the amazement and dismay of the majority, mixed with applause from others, the President of the Assembly banged his gavel and declared the resolution adopted "by consensus".

Immediately after this unexpected occurrence, which took us all by surprise, the Minister for Foreign Affairs of the Bolivarian Republic of Venezuela requested the floor and delivered the following statement:

> "The delegation of Venezuela has been truly astonished at the surprising manner in which a document of 34 pages — provided only in English, thereby making it impossible to familiarize oneself with its contents in any other

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language — has been adopted. It would seem physically impossible to adopt such a text, especially given that it was circulated solely among a small clique of — as I understand it — 15 persons, and among an even smaller group today.

I have been fortunate enough to have taken speed-reading courses — but not 'instant' reading courses that would enable me, in such a brief span, to acquaint myself with every point. We may well have agreed with many of those points. But it is also very likely that we might have been in complete disagreement with others.

There was not even an opportunity to make any sort of proposal or to disagree with any of the content of those 34 voluminous pages. Moreover, the procedure under which this has been done flagrantly violated the most basic tenets governing democratic processes. Let us not forget that many countries are represented in the Organization. They, in turn, represent billions of human beings, to whom we must be accountable precisely because we hold their fate in our hands. For us to be unaware of what is being adopted here would mean compounding the lack of general awareness about decisions with an impact on vital areas of people's lives.

Given the way that this document — which remained completely unknown to us until this very moment — has been adopted, the delegation of the Bolivarian Republic of Venezuela is obliged to reserve judgement on it. I understand that we are not alone in that regard. I am convinced that many other countries are in a situation similar to Venezuela's. For I find it hard — not to say impossible — to believe that the countries that were not part of the select group with an opportunity to familiarize themselves with and discuss the document, or to propose, bracket, delete and add language to it in fact had sufficient time to pass judgement on it.

At a time when there is so much preaching about democratic principles, it is truly regrettable that an Organization that should be a world paragon of democratic practice should be setting such a sorry and sad example of the complete refutation of democratic procedure.

Like many others, the delegation of Venezuela was excluded from this process. It is therefore absolutely impossible for us to be part of the shameful adoption of something that we know nothing about. We therefore reserve our position. We hope that this does not become the Organization's practice in the future, for that would completely undermine the prestige and credibility of the Organization in the eyes of the billions of thinking and feeling human beings throughout the world who were not part of the group privileged and lucky enough to take part in the drafting and adoption of this document."

On the afternoon of 15 September 2005, the President of the Bolivarian Republic of Venezuela addressed the High-level Plenary Meeting of the General Assembly at its sixtieth session, in the following terms:

"Today, more than ever, we need a new international order. Let us remember that the General Assembly, at its sixth special session, held in 1974 — some in this Hall had not even been born or were just toddlers, I am sure — 31 years ago, adopted the Declaration and Programme of Action on the Establishment of a New International Economic Order (resolutions 3201 (S-VI) and 3202 (S-VI)). In addition, the Assembly adopted on 14 December

of that same year, 1974, the Charter of Economic Rights and Duties of States (resolution 3281 (XXIX)), which defined the new international economic order, and which was adopted by an overwhelming majority of 120 in favour to 6 against, with 10 abstentions.

That was at a time when we voted in the United Nations, because now there is no voting: now we adopt documents, such as this outcome document that on behalf of Venezuela I denounce as illegal, null and void. It was approved in violation of the rules of the United Nations. This document is not a valid document. We will have to discuss this document. The Government of Venezuela is going to make this document known to the world. But we cannot accept open and brazen dictatorship in the United Nations. These matters must be discussed; and that is why I respectfully appeal to my fellow heads of State or Government.

I just met with President Néstor Kirchner of Argentina, and I pulled out the document. This document was delivered to our delegates at five minutes' notice, in English only. And it was approved with a dictator's hammer. I denounce it before the world; it is illegitimate, null and void. If we are going to accept this, then we are lost. Let us just turn off the lights and close the doors and windows. The last thing we should do is to accept dictatorship here in this Hall.

As I was saying, now more than ever we need to take up again what we have left unfinished, including the proposal adopted by this Assembly in 1974 for a new international economic order. Article 2 of the Charter of Economic Rights and Duties of States (resolution 3281 (XXIX)) confirms the right of States to nationalize any property or natural resources in the hands of foreign investors, and proposes the creation of cartels of raw-material producers. In resolution 3201 (S-VI) of May 1974 the Assembly expressed its determination to 'work urgently for the establishment of a new international economic order based on equity, sovereign equality, interdependence, common interest and cooperation among all States, irrespective of their economic and social systems'. This order would 'correct inequalities and redress existing injustices ... between the developed and the developing countries and ensue steadily accelerating economic development and peace and justice for present and future generations'.

The aim of the new international economic order was to change the old economic order established at Bretton Woods.

I think that the President of the United States spoke for 20 minutes here yesterday, according to what I have been told. So I would ask the Assembly's indulgence so that I can finish my statement.

The aim of the new international economic order was to change the old economic order established at Bretton Woods in 1944, which was to remain in effect until 1971 and the collapse of the international monetary system. Just good intentions, but no will to follow through. However, we feel that it is still the path to be followed.

Today the people, and in this case, the people of Venezuela, are calling for a new international economic order. But we also need a new international political order. We cannot allow a handful of countries to attempt to reinterpret

with impunity the principles of international law in order to introduce a doctrine such as preventive war — it is enough that they threaten us with preventive war — and the so-called responsibility to protect. We need to ask ourselves, who is going to protect us and how are they going to protect us?

I think that one of the peoples requiring protection is the people of the United States, as has been painfully evident during the tragedy of Hurricane Katrina. They do not have a government that protects them from natural disasters that are foreseen, if we are talking about protecting each other. These are very dangerous concepts smacking of imperialism and interventionism and trying to legalize lack of respect for the sovereignty of peoples. The principles of international law and the United Nations Charter should be the cornerstone of international relations in today's world and the basis of the new international order that we are proposing."

On 16 September 2005, Ambassador Jan Eliasson, newly elected President of the General Assembly, presided over a meeting convened to submit a document in the form of a draft resolution (A/60/L.1), the content of which was essentially the same as document A/59/L.70 that the Assembly had supposedly adopted on 13 September 2005. The new draft resolution, dated 14 September 2005, was distributed the same day in the official languages of the United Nations to the heads of State and Government of the States attending the High-level Plenary Meeting of the General Assembly, although the latest official text was dated 20 September 2005, with a comment to the effect that it had been "reissued for technical reasons". At that session of the High-level Plenary Meeting of the General Assembly, the President declared the draft resolution in question adopted "by consensus".

However, on the same day, 16 September 2005, before the President of the General Assembly could declare the supposed adoption of the draft resolution, at the request of the Government of the Bolivarian Republic of Venezuela, the Minister for Foreign Affairs, Mr. Ali Rodríguez Araque, addressed the General Assembly as follows:

"These have been bright, warm days in New York. In contrast, however, the decision with regard to the outcome document, which may very possibly be endorsed in the next few minutes, will be a rather grim one. It was conceived in darkness and brought forth from the shadows to be approved here, in violation of the basic democratic processes governing the practice of sound democracy in the world.

This process did in fact begin with a wide-ranging debate that aroused the hope that, given the scope of that debate and the consultations that occurred initially, it would also be possible for there to be a broad and informed discussion that enjoyed the measured agreement of the Assembly.

But then the analysis and preparation of the document was restricted to a small group of 32 persons, and subsequently to an even smaller group of 15 persons. It is my understanding that, in the end, many comments made from various quarters were put aside by an even smaller group. In the reservation that I was obliged to express on behalf of the delegation of the Bolivarian Republic of Venezuela at the fifty-ninth session, I indicated that the procedure followed was so grotesque that it did not even allow us an opportunity to

express an opinion in favour of the aspect of the draft document with which we agreed. For the delegation of Venezuela, and the vast majority of delegations represented at the Assembly, there was absolutely no possibility to express the opinions that had been consistently voiced during the deliberations in which we were invited to participate as sovereign countries. As sovereign countries we have exactly the same rights as every other country in the General Assembly. Moreover, in view of all the document's shortcomings, we could have left it pending, rather than considering it concluded as is now being attempted, and continue the debate in order to enrich and improve it in the course of the sixtieth session of the General Assembly.

Instead of doing that and promoting a democratic and productive discussion, it was decided from the beginning to bring the document here. And it will now be insisted that we adopt a document that contains parts, which I will shortly enumerate, that will have serious consequences for a great majority of the nations that are represented in the Assembly. In the words of a well-known Venezuelan politician, the Assembly will almost certainly adopt that document under duress while holding its nose. It seems evident that the ends have been a pretext, if not a justification, for the abhorrent and anti-democratic means that have been utilized. This is a very grave precedent. Nothing good awaits the Organization if it engages in such practices. I shall be brief, as time does not permit me to speak for as long as the situation deserves. But I should like to cite some of the omissions, as well as some of the issues included, in the document that should merit a very broad-ranging, careful and in-depth debate in the Assembly.

With regard to terrorism, the document makes no reference whatever to a fact that consistently impairs the sovereignty of weak countries; namely, State terrorism. It would seem that acts of terrorism, as condemnable as they are, are only condemnable if they are carried out by individuals or organizations. It is as though there were no real proven danger of State terrorism. The document makes no distinction between terrorist acts and the legitimate action of peoples to protect their sovereignty. This is an attempt to tie the hands of peoples that cherish their sovereignty and independence and want to fight in defence of those inalienable principles.

The document establishes a Peacebuilding Commission. Who will be the members of the Organizational Committee charged with establishing that body? They will be the Security Council, financial institutions and the main contributors to the Organization. One can therefore already foresee the establishment of a veritable monopoly and dictatorial control over the exercise of the Commission's functions. The document also refers to two interrelated matters; namely, the so-called responsibility to protect and the Human Rights Council.

A reading of the pertinent paragraphs in the document immediately raises the question of who is in a position to send troops many thousands of miles away. Who has the financial resources, weapons and logistics to carry out actions to protect, especially given that, as I have emphasized, the concept of responsibility to protect is related to the Human Rights Council? In that connection, I would propose for discussion that countries that have not ratified international human rights conventions should not be part of the Human Rights

Council. For it is truly inconceivable that States that have not ratified such conventions should have any influence in the area of human rights.

The document also sets up a Democracy Fund. How will it be administered? How large will it be? Apart from the very generic term used to describe it, what are to be its objectives? We in Venezuela have some experience with the promotion of democracy being used as a pretext. There has been brazen interference in the internal affairs of our country, including the financing of groups that, in the guise of operating as non-governmental organizations, have acted as political parties and have even taken part in violent acts against the State of Venezuela. That included such clearly illegal acts as the coup of April 2002, which, together with the oil coup, caused losses to Venezuela of approximately $20 billion in 2002 alone.

The document makes absolutely no reference to one of the worst threats to humankind's future or to the universal and profoundly human yearning for comprehensive and unconditional nuclear disarmament. Today the major Powers possess weapons of mass destruction capable of destroying all life on the planet many times over. And yet there is not even the most tepid, faint or remote reference to that very heartfelt desire on the part of the vast majority of the world's people.

Far from contributing to the strengthening of the General Assembly, as the most basic principle and fundamental exercise of democracy would suggest, the general trend is to restrict the competence of the Assembly and to increasingly concentrate power in small groups, such as the one to which I have just referred: the Human Rights Council, the Peacebuilding Commission and the Democracy Fund. In short, this represents an increasing and ever-more-dangerous curtailment of the exercise of democracy in the General Assembly, which is the essential precondition for the actual empowerment that the General Assembly should enjoy.

And as if that were not enough, this meeting, which was convened to draw up a balance sheet of the Millennium Development Goals, will not have enabled us to leave the Assembly and return to our countries with a clear picture of the situation vis-à-vis the obligations and commitments made.

I reiterate that there is no reference to the Millennium Development Goals, the main reason for this meeting. Before I finish, I would like to make clear the position I have taken on behalf of the Bolivarian Republic of Venezuela."

The President of the General Assembly, Ambassador Jan Eliasson, then convened a meeting of the General Committee on 27 September 2005 for an informal exchange of views on the document concerning the reform of the United Nations, which had been supposedly adopted by the General Assembly. At this meeting, he said that, following the adoption of the document, the main tasks of the General Assembly would be to implement the decisions contained in the document. At that meeting, we stated for the record that the Bolivarian Republic of Venezuela considered the so-called document on the reform of the United Nations to be absurd and null and void as far as our country was concerned, but that we were willing to participate in negotiations in the General Assembly on the reform in the immediate

future, and that the document could serve as a starting point or a minimal basis for the forthcoming negotiations.

Also, on 29 September 2005, in our remarks on the report of the Secretary-General on the work of the Organization (A/60/1), we stated the following:

> "We would like to confirm our country's support for and cooperation in the United Nations efforts and work. The future of the Organization now faces a grave threat regarding its reform, owing basically to the intentions of those who have conceived it as an instrument that exclusively serves the interests of the United States and its allies, as a component of the new neo-colonial order they wish to install for the redistribution of markets and areas of influence. They aspire to return to imperial hegemony through institutional multilateralism that lacks any real content, ignoring and exploiting peoples and exacerbating global imbalances by inventing new mechanisms for undermining and interfering in the sovereignty of Member States and strengthening the Security Council, on the pretext of fighting terrorism.
>
> Venezuela believes in the United Nations as a central, democratic Organization in a democratic international society, based on economic and social development and multilateralism as an instrument and framework for fashioning a multipolar, interdependent, mutually supportive and peaceful world. Our main line of action is the promotion of international cooperation in order to strengthen South-South cooperation for the prime purpose of eradicating poverty and social exclusion which hinder the self-determination of our peoples and pose a grave threat to the democratic stability of States.
>
> Venezuela is convinced that these goals can only be achieved through specific economic and social policies of inclusion and empowerment of peoples; through shrewd, democratic governance combined with a people that participates actively in all collective policymaking; through massive mobilization of resources for development; through agreement among developing countries, and joint action with the more developed countries, which bear most of the responsibility for creating a new world in which the priority is economic progress and social justice. A new, just and humane world order must be premised on the adoption of measures to eradicate poverty and redress age-old injustice. Nothing could be further from this purpose than the depressing picture of the reform of the United Nations and the outcome of its call for us to embark upon the lofty and humanitarian task to which we have all committed ourselves. We refer to the outcome document, which has been flawed by the violation of the universal rule of due process. We once more reiterate the reservation expressed by the President of the Bolivarian Republic of Venezuela in this very Hall to the effect that the document is null and void as far as our country is concerned.
>
> The report that has been presented reflects the distressing situation of the planet and, especially of this universal Organization par excellence, which is called upon to respect the fundamental values of its Charter while constantly being threatened by actions that are gradually annihilating human beings and the live species, seas, waters and productive lands sustaining their existence. These actions seem to be hurling us towards our own destruction, without any hope of a reversal in direction. Regrettably, we face with great sadness a

United Nations that has become submissive and complacent, applauding its own disgrace and deterioration.

In the fight against poverty, Venezuela's efforts have been substantial, as any observer without prejudiced views can see, despite the unpatriotic, subversive actions that have been threatening our democratic stability since 2002; and we continue to face such threats from non-governmental organizations financially supported and assisted by the Government of the United States of America.

On this matter, the Bolivarian Republic of Venezuela wishes to stress that we do not agree with the methodology followed in this report or with the way that the indicators and statistical variables were handled in the assessment of the Millennium Development Goals. We do not share the views, either in form or in substance, of the report of the Secretary-General on the work of the Organization. We also disagree with the use of indicators based on the dollar, since this method does not give us a clear idea about the implementation of public policies that offer a comprehensive treatment of the issue. There is no way to measure the impact of social programmes, specifically the Social Missions, and the role they play in sustainable, human, integral and endogenous development and their contribution to attaining the Millennium Development Goals. We reject the statistical treatment and methodological perspective because they do not take into account the specific, concrete socio-political realities in Venezuela and other countries. In our case, the series of events that have affected our country since December 2001, including the coup d'etat in April 2002 and the oil strike in 2003, constitute a fundamental factor in the positive results we have achieved in our fulfilment of the Millennium Development Goals. In this respect, allow us to make a comparison with the Asian situation after the tsunami. We suspect that the Economic Commission for Asia and the South Pacific, in its next report, will have to allude to this historical reality, which will necessarily hinder and have a profound impact on the social and economic growth of the affected countries. In our case, what happened in our country during the period 2002 to 2003 has had devastating consequences similar to those of a tsunami.

Finally, we should like to say that the proposal to establish a new Human Rights Council based on a simplistic transition from the Commission on Human Rights will not resolve the existing problems. We do not face a problem of semantics or of a given name, structure and procedures. Any proposal of reform within the Commission on Human Rights must be oriented towards formulating deep political changes and enlarging its membership."

On 30 September 2005, we received a letter from the President of the General Assembly, and on 3 October 2005 we replied as follows:

"With reference to your note No. 9948 of 30 September 2005, making a proposal for the implementation and follow-up of the 2005 World Summit Outcome (draft resolution A/60/L.1), I should like to reiterate that we made a reservation on the above-mentioned document because we consider it null, void and without any effect.

Our position is based on our disagreement with the procedure followed during its negotiation and the methods used for its adoption, which contravene

the major provisions of the Charter of the United Nations and the rules of procedure of the General Assembly.

With regard to the serious facts that affect this resolution, supposedly adopted at the 2005 World Summit, this Permanent Mission has submitted the above-mentioned document to the Venezuelan Ministry of Foreign Affairs, and we are still awaiting instructions on this matter. We should like to take this opportunity, however, to make it clear that we remain willing to actively participate in the upcoming negotiations, in the understanding that this document will only serve as a starting point or a minimal basis for our forthcoming deliberations. We consider it as a working paper, not as a valid decision to be implemented in the near future."

We should like to take this opportunity to recall that the Bolivarian Republic of Venezuela has been elected Vice-President of the General Assembly for its current session. That means that our responsibilities and powers include sharing with you the task of guiding the General Assembly in its work. That imposes on us an obligation, among others, to ensure that the accomplishments of this the supreme body of the United Nations, which is by its very nature deliberative, legislative and democratic, and its discussions and decisions, even if mere recommendations, are first considered and then adopted in accordance with political criteria which are comprehensive, inclusive, transparent, in good faith, balanced, effective, and also strictly respectful of legality. The same holds true for the principles and standards applicable to those deliberations and decisions and contained in our founding constitution, the Charter of the United Nations, which is universal in scope, as well as in the procedural guidelines set out in the rules of procedure of the General Assembly. Our resolve to exercise the rights inherent to our position is further strengthened if we consider that the decisions of the General Assembly, in this and other cases, apparently could involve the establishment of a mandate which would impose obligations on Member States and entail the implementation or execution of the "decisions" adopted by the General Assembly as a logical conclusion to the negotiations which had preceded those decisions.

In performing the role and duties noted above it behoves us as Vice-President of this Assembly, rightly determined to ensure that the General Assembly acts during this session with due respect for the applicable standards, to suggest that both the procedure which led to the supposed approved text of draft resolutions A/59/L.70 and A/60/L.1 and the supposed adoption of both resolutions, based on a false or fictitious consensus, show such glaring and significant errors that they bring into question the validity and legitimacy of the entire process surrounding those discussions and decisions from both a juridical and a political perspective.

The discussions which began on 27 August 2005 were juridically illegal and politically illegitimate by virtue of the fact that they were held outside the context of the Assembly and were restricted to a group of Member States, initially approximately 30, later reduced to 15 and finally approximately 6, members of a clique hand-picked by the former President of the General Assembly, Ambassador Jean Ping, who authored the final draft of the document on the reform of the United Nations submitted to the General Assembly for consideration at the last meeting of its fifty-ninth session on 13 September 2005 and later submitted, furthermore, with some modifications, to the heads of State and of Government of the States Members of the United Nations at the plenary meeting of 16 September 2005. That

anti-democratic act, carried out in violation of the Charter of the United Nations, when the General Assembly had barely begun its session, was denounced by the Bolivarian Republic of Venezuela in a document dated 30 August 2005 and circulated to delegations, the text of which follows:

> "The Permanent Mission of the Bolivarian Republic of Venezuela to the United Nations feels obliged to bring to the attention of the public, given their seriousness, recent events at the United Nations which bring into question the methods, processes and decisions surrounding the elaboration of the draft document to be submitted by the General Assembly for approval by the heads of State at the high-level plenary meeting of the General Assembly of the United Nations to be held in New York from 14 to 16 September 2005. That document will supposedly contain Member States' crucial suggestions for reform of the United Nations.
>
> The President of the General Assembly, in violation of rules and procedures, is trying to force the adoption of a draft reform of the Organization aimed at transforming it into a multilateral instrument at the service of unilateralism, repression and aggression against the majority of Member States of the General Assembly, reinforcing the powers of the Security Council to the detriment of the General Assembly and creating a new institutional structure in the Organization, thereby exposing the sovereignty and equality of States as well as the right to self-determination to great risk.
>
> Beginning on 27 August 2005, the President of the General Assembly, ignoring the principles enshrined in the Charter of the United Nations concerning the equality and sovereignty of States Members of the Organization, arbitrarily established a format or procedure for parallel negotiations within the General Assembly restricted to certain hand-picked States and with a limited agenda, which he imposed against the will of the Member States.
>
> As a result of that flawed and therefore illegitimate process, the President of the General Assembly and the handful of States chosen and gathered together by him, acting on their own and without the authorization of the General Assembly as a whole, arbitrarily claimed that the profound disagreements, many unsolvable, raised in the General Assembly with regard to the draft reform of the Organization, had been resolved.
>
> A shameful example of those machinations occurred on 29 August 2005 during an informal meeting of the General Assembly at which the President of the General Assembly arbitrarily and disrespectfully, without regard to the principles of the Organization, tried to restrict the right of sovereign States to participate in the Assembly. Thanks to the protestations of the Bolivarian Republic of Venezuela, supported by the Non-Aligned Movement and other delegations, the President was obliged to respect that right.
>
> The Bolivarian Republic of Venezuela denounces such fraudulent manoeuvres, which could have unforeseeable consequences for the integrity and future of the Organization."

The events we have just described are absolutely true and do not need to be proved because they were public and common knowledge among the heads of State and Government and the heads of Missions accredited to the United Nations. The

irregularity of those events was confirmed and described as an "error", in a statement not yet denied by the Secretary-General, during a meeting with the President of the Bolivarian Republic of Venezuela, Hugo Chávez Frías, on 16 September 2005 at 6 p.m., which was attended by various individuals from the Office of the Secretary-General and the delegation of the President of the Bolivarian Republic of Venezuela, including three cabinet ministers, a deputy minister and myself, all of whom are irreproachable witnesses to that admission by the Secretary-General. We also maintain that the submission of the draft resolution contained in document A/59/L.70 to the Assembly and its supposed adoption violated articles 51, 56 and 78 of the rules of procedure of the General Assembly.

Those actions render absolutely and irremediably null and void the procedure which led to submission of the draft resolutions and also renders them without effect because the President of the General Assembly and the Member States which supported him, by organizing that illegitimate and unauthorized ad hoc group of negotiators, violated the fundamental and non-derogable constitutional procedures contained in Article 1, paragraph 2, Article 2, paragraph 1, Article 9, paragraph 1, and Article 18, paragraph 1, of the Charter of the United Nations taken together and likewise ignored that universal rule of accepted customary public international law, the right to due process. The first of those documents likewise violated the rules of procedure of the General Assembly which we noted above. These violations, which the Bolivarian Republic of Venezuela denounced as soon as they occurred, on 27 August 2005, make those discussions, held outside the legal and political framework of the General Assembly and which were the basis for the text of the document on the reform of the United Nations, invalid, null and void, illegitimate and without effect. Such irregularities could not, would not and shall not be rectified, corrected or cancelled by any subsequent decision of the Assembly, which, if such should occur, could only be characterized as a political manoeuvre, because the provisions which were violated are an integral part of international *jus cogens*, in other words peremptory rules of general international law or an integral part of the international public regime corresponding to general public international law. By the same token, the rules contained in article 53 of the Vienna Convention on the Law of Treaties of 23 May 1969, which is universal, are applicable under public international treaty law and customary law. Therefore the procedures followed and the results of those procedures to date, in other words the two resolutions, which were supposedly approved by the General Assembly on 13 and 16 September as well as the document on the reform of the United Nations to which those resolutions refer, are all null and void and have no juridical or political effect because they constitute a grave and incontrovertible violation of the political and juridical regime of the United Nations, public international law and general and particular law governing the functioning of the General Assembly of the Organization.

Furthermore, the so-called adoption of draft resolutions A/59/L.70 and A/60/L.1 by the General Assembly on 13 and 16 September respectively, and the document on reform of the United Nations contained therein, have no legal effect or legitimacy. The supposed consensus which is alleged to have occurred or materialized to justify those decisions never existed. Indeed, in his speech to the high-level plenary meeting on 15 September 2005, the President of the Bolivarian Republic of Venezuela clearly, comprehensively, emphatically and assuredly denounced the violations which we have referred to, declared the document as a whole and consequently the resolutions which supposedly had been adopted, null

and void and invalid, stating on behalf of the Republic our absolute refusal to accept them. Our Minister for Foreign Affairs, speaking before the Assembly on the 13th and again on the 16th of September 2005, likewise expressed our reservations about the supposed adoption of the document and of course the two related draft resolutions. Furthermore, as we have noted, Venezuela, through its Mission to the United Nations, as early as 28 August had expressed its concern about the fraud being perpetrated at that time.

Therefore, our stated opposition, expressed categorically and without ambiguity, makes it impossible to speak of any consensus, as was suggested and continues to be suggested. The theory and practice regarding consensus in the United Nations could be understood in the widest context, taking into account the experience of all deliberative bodies, including the specialized conferences, which have generated resolutions, decisions, declarations or multilateral conventions under the auspices of the Organization. There is no criterion which *prima facie* could be called conclusive with regard to that theory and practice. In a book entitled "Procedure at International Conferences: A Study of the Rules of Procedure of International Inter-governmental Conferences", published by Cambridge University Press in 1997, about doctrine and practice at the United Nations, the author, Robbie Sabel, describes the contradictory, ambiguous and ill-defined nature of the doctrine of consensus and seems to imply that there cannot be consensus if a State openly indicates its unequivocal opposition to a resolution or decision of the body in question, including the General Assembly of the United Nations.

The theory and practice in the General Assembly is, generally speaking, as follows: consensus in the sense of total unanimity does not seem to exist; there is a tendency to consider that consensus does not necessarily imply unanimity, or, similarly, there may be a certain degree of disagreement, which does not affect unanimity given that achieving consensus requires a flexible interpretation of that concept in order to come to a general agreement in spite of the fact that all Member States are not in agreement with all the provisions of a declaration, decision or resolution. Accordingly, there is provision for explanation of vote, in cases where States do not want to block the agreed consensus concerning a declaration, decision or resolution of the General Assembly. If certain States agree with the general thrust of the text for a draft document but have a different or a particular interpretation of a paragraph, sentence or concept in the text, their explanation of vote regarding that difference of opinion does not affect the consensus or prevent that State from joining in the consensus. That is an accepted practice which allows for an alternative type of approval which does not require a recorded vote. On the other hand, if a State opposes or rejects a declaration, decision or resolution in its entirety, because it considers the text to be incompatible with its national interests, it is sufficient for that single Member State of the General Assembly to publicly explain and express its complete disavowal of the text to prevent consensus. The case against consensus is made even stronger when there is not only a State which believes that elements of the text are against its national interests, but there are also questions about the substance of the document because of errors of procedure which affect both its juridical validity and its legitimacy. That is precisely the case with resolutions A/59/L.70 and A/60/L.1, the validity of which has been questioned by the Bolivarian Republic of Venezuela. Even if there was supposedly consensus in this case, which we deny, real consensus would be inconceivable because the resolutions in question were not arrived at through the required procedure including

respect for due process and equality of States, essential conditions for the validity of the juridical acts in question. Those documents are therefore undeniably null and void.

The draft resolutions were not approved in a manner which gave them legal effect or legitimacy, in the sense that there was not only no consensus, there was not, nor has there been to date, any follow-up vote which would be required for a resolution about which there was no consensus. Even had there been a vote, it would be impossible to rectify or remedy the inherent inadequacies of the preparatory process for the draft document and resolutions on the reform of the United Nations. That is because, as we said, non-derogable principles of *jus cogens* are in play, peremptory norms of general international law such as those enshrined in the Charter of the United Nations concerning the equality of States, the basic principles for the existence of the international community and an intergovernmental organization such as the United Nations.

Accordingly, those resolutions are not only recommendations with no intrinsic or extrinsic validity, they cannot be considered to be binding and the so-called document on the reform of the United Nations must be considered to be a mere working paper which shall have to be the subject of renewed negotiations, to continue those interrupted on 27 August 2005, negotiations which must return to the point they had reached on that date when the sovereignty of the General Assembly and its Member States was hijacked and the latter were excluded from discussions by the regrettable decision of the President of the General Assembly and the complicity of certain States which lent him their support.

You can understand that the errors which we have noted and which affect the validity of the procedure and the legality or very existence of the adoption of both resolutions cannot be used to justify or deduce any mandate from the General Assembly for the implementation or execution of the decisions contained in the document on the reform of the United Nations. An invalid and null and void act cannot be used to justify a subsequent valid act, especially if that act is irremediably flawed.

The negotiations and discussions announced by you with regard to the document on the reform of the United Nations cannot therefore proceed based on a false and fraudulent premise, that being the approval of the General Assembly which you yourself have asserted exists, without justification. The document on the reform of the United Nations can only be considered useful or valuable as a mere working paper, a work still in progress because the negotiations concerning that document were illegally cut short in violation of the sovereignty of the General Assembly and its Member States.

It is also necessary to re-establish, in the immediate future, the legal order that has been violated. This is one of the functions of the General Assembly, as a collective and sovereign body that has been harmed by the facts we have described here. This task will have to be carried out through a decision declaring the legal order to have been violated and re-establishing the legality, seriousness, responsibility and dignity of the body in question, so that the interrupted negotiations can be resumed at the point where the infractions occurred.

Accordingly, the Bolivarian Republic of Venezuela, in its capacity as Vice-President of the General Assembly, in defence of the legality, good faith, justice,

dignity and accountability of the Assembly and bearing in mind that the only way to strengthen the role of the Assembly is by correcting these irregular practices, hereby requests that you refer this matter to the United Nations Office of Legal Affairs for the purposes of assessing and restoring the legality and legitimacy that have been violated. This consultation should consider the following points:

- Whether or not the procedure followed in the negotiation and adoption of the final outcome document on the reform of the United Nations, submitted to the General Assembly and the high-level plenary meeting (draft resolutions A/59/L.70 and A/60/L.1), was in compliance with the provisions of the Charter of the United Nations, the rules of procedure of the General Assembly and respect for due process, and, likewise, whether or not draft resolution A/59/L.70, released on 13 September 2005, met the requirements of the rules of procedure of the General Assembly;

- If the procedure in question was not in compliance with the above-mentioned rules and norms, what kinds of irregularities adversely affected the deliberative process that resulted in the document on the reform of the United Nations submitted to the General Assembly; what would be the juridical and political consequences of such irregularities, including their character or nature; and how could their impact be remedied?

- Whether it is possible to assert that the draft document on the reform of the United Nations, contained in the above-mentioned draft resolutions, was or was not adopted by consensus, taking into account the explicit and unequivocal condemnation of illegitimacy and disagreement expressed by the Bolivarian Republic of Venezuela, in accordance with the concept and doctrine of the real meaning of consensus as a practice within the General Assembly;

- If the conclusion is that consensus was not reached on the adoption of this document and the relevant resolutions, what would be the value of these documents for the upcoming negotiations that have been announced for the near future?

- Whether or not it is necessary for the General Assembly to issue a statement aimed at rectifying the infringement of its legal order, re-establishing the negotiations that were interrupted and delegitimized beginning on 28 August 2005 and resuming the process at the same point where the negotiations were interrupted.

I should be grateful if you would have the present letter distributed as a document of the General Assembly under agenda items 46 and 120.

(*Signed*) Fermín **Toro Jiménez**
Ambassador
Permanent Representative

United Nations A/60/439

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Agenda item 30
United Nations Relief and Works Agency for Palestine Refugees in the Near East

Report of the Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*

Rapporteur: Mr. Hans Jacob **Frydenlund** (Norway)

Summary

The present report of the Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) describes the activities of the Group during 2005 and provides a detailed outline of the current financial situation of UNRWA. The Working Group unanimously adopted the report at its meeting on 18 October 2005. As in previous reports of the Working Group, the present report closes with a number of concluding remarks addressed to all Member States.

* In accordance with paragraph 1, section C, of General Assembly resolution 54/248, the present report is being submitted on 19 October 2005 following its adoption by the members of the Working Group on the Financing of UNRWA.

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I. Introduction: origin and background of the Working Group

1. The Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) was established by the General Assembly under resolution 2656 (XXV) of 7 December 1970 to study all aspects of the financing of the Agency. In that resolution, the Assembly requested the Working Group to assist the Secretary-General and the Commissioner-General of UNRWA in reaching solutions to the problems posed by the Agency's financial crisis.

2. At its twenty-fifth session and all those that followed, the General Assembly considered the reports submitted to it by the Working Group (most recently, A/59/442)[1] and adopted resolutions commending the efforts of the Working Group and requesting it to continue them for a further year (most recently, resolution 59/119).

3. The Working Group consists of the representatives of France, Ghana, Japan, Lebanon, Norway, Trinidad and Tobago, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America. The Chairman of the Working Group is Baki Ilkin of Turkey.

II. Activities of the Working Group during 2005

4. During the year, the Working Group held two meetings, the first on 8 September in which the newly appointed Commissioner-General, Karen Koning AbuZayd, briefed the Working Group on the Agency's financial situation and developments facing the Agency. The Chairman of the Group expressed the Working Group's strong support for the Commissioner-General and looked forward to continuing cooperation between the Working Group and the Agency. The second meeting was held on 18 October 2005, during which the Working Group adopted the present report.

III. Financial situation of the United Nations Relief and Works Agency for Palestine Refugees in the Near East

5. The Agency's cash and in kind regular budget for the biennium 2004-2005 was $751 million, of which $351 million was for 2004 and $400 million was for 2005. In 2004, the Agency received $342.3 million in income, leaving a funding gap of $8.7 million. In 2005, the cash and in kind budget of $400 million was revised from $361 million to include key activities from the Agency's medium-term plan, post-disengagement plan and the emergency appeal. In her 8 September briefing, the Commissioner-General informed the Working Group that, as at 8 September, the anticipated funding gap for 2005 was $11.1 million. The Agency's regular budget income for 2005 was expected to be some $389 million ($346.2 million in contributions from donors, $21.7 million in in kind contributions, $17.8 million in income from the United Nations and $3 million in interest income and exchange rate gains). The Commissioner-General also informed the Working Group that a combination of exchange rate gains and increased contributions by some donors had helped reduce the UNRWA funding gap to a level below previous years ($15.4 million in 2003 and $20.3 million in 2002). However, she noted that the project

budget deficit for 2004 was $25.2 million, and that in 2005 it was expected to be $20.1 million.

6. Owing to improvements in the reimbursement of value added tax (VAT) to UNRWA by the Palestinian Authority, the Agency as at 31 December 2004 was only due $13.2 million in VAT reimbursements (down from $21.7 million at 31 December 2002). UNRWA, however, was concerned about port and related charges due to the Agency, exacerbated by security procedures imposed on humanitarian goods imported through Israel by UNRWA. The charges totalled $27.6 million as at 31 December 2004. The Agency's position is that the obligation to pay port and related charges remains with Israel pursuant to the terms of the 1967 Michelmore-Comay Agreement.

7. The Agency's regular budget for the biennium 2006-2007 is some $995 million, of which $489 million is allocated for 2006. The UNRWA project budget for 2006-2007 is $286 million, of which $150.5 million is allocated for 2006. This budget, which was prepared in consultation with Agency stakeholders, reflects a needs-based rather than a finance-constrained approach, detailing not only what is required to halt the decline in service quality over the past decade, but also to meet the objectives of the Agency's medium-term plan. The Advisory Committee on Administrative and Budgetary Questions considered the 2006-2007 budget on 9 September 2005, and recommended its approval.

8. The Working Group appreciated the briefing by the Commissioner-General on the follow-up to the Geneva Conference, in particular the plans to expand the Advisory Commission and widen participation in the meetings of host and donor countries, measures that were part of the wider consultations on improving interaction with stakeholders on programme, budget and resource mobilization, and governance issues, undertaken with a view to strengthening collaboration and gaining greater support for the Agency. The Working Group also noted that the budget, which had increased by 30 per cent over the previous biennium, included key elements from current and past emergency interventions such as psychosocial counselling, as well as from the 2005-2009 medium-term plan. The medium-term plan had been developed in consultation with key stakeholders to address the increasing needs of a growing refugee population, to upgrade Agency services and to rehabilitate infrastructure adversely affected by years of underfunding, and to bring Agency services up to the standards of the host Governments. The Group further noted that the Agency had taken positive steps in planning to increase its job creation, microfinance, reconstruction of demolished shelters and camp development in response to Israel's disengagement from Gaza, in consultation with the Quartet's Special Envoy for Gaza Disengagement James Wolfensohn, and with the Palestinian Authority.

9. The Working Group recognized the need for certain emergency operations to continue in the occupied Palestinian territory, e.g., food aid and cash assistance, until conditions in these two areas had sufficiently improved. Economic hardship and high unemployment rates remained a major problem in both Gaza and the West Bank. While the Working Group noted with appreciation the value of funds received by UNRWA for its emergency activities in the occupied Palestinian territory, it was concerned about reduced coverage of the identified needs. Against a total request of $185.8 million for the 2005 emergency appeal, the Agency had received only $92.9 million in confirmed pledges as at 30 September 2005. Some $30.2 million of the

total amount pledged remained outstanding. In addition, against a total request for $739.2 million for prior-year emergency appeals, the Agency had received only $432.2 million in pledges. Some $6 million of the pledged amount remained outstanding. The Working Group encouraged donors to increase their contributions to the Agency's 2005 appeal and to pay outstanding contributions for prior-year appeals.

10. The Working Group noted with appreciation that the Commissioner-General and her colleagues had continued to make strenuous efforts to keep stakeholders engaged and informed, through regular consultations with donors and host authorities. The Group was further encouraged by plans to revitalize the role and expand the membership of the Advisory Commission of UNRWA, as well as by efforts to expand the donor base and to engage all donors in host and donor meetings.

IV. Concluding remarks

11. The Working Group notes positively the declining funding gap for the Agency's regular budget, but remains concerned that the trend will not be maintained as some of the Agency's income in 2005, such as exchange-rate gains, may not be realized in the future. The Group reiterates that it is the responsibility of the international community to ensure that UNRWA services are maintained at an acceptable level in quantitative and qualitative terms and to ensure that funding keeps pace with the steady natural growth of the refugee population.

12. The Working Group commends the Commissioner-General and all UNRWA staff for their tireless efforts to maintain the basic operations of the Agency despite the constraints on the availability of resources and access problems on the ground that they have faced. It commends the Commissioner-General also for her fund-raising efforts and for her commitment to keeping the major donors and host authorities informed and involved, opening new avenues of support and funding and seeking a broader base of donors. The Working Group encouraged UNRWA to continue efforts to widen the donor base.

13. The Working Group calls for the early and complete fulfilment of pledges and other commitments to UNRWA, in particular the reimbursement of VAT and port charges by the Palestinian Authority and the Government of Israel.

14. The Working Group urges the international community to fund fully the 2006-2007 budget, which has been prepared on a needs basis, as it will enable the Agency to reverse the effects of successive years of underfunding to bring services up to host Government standards and to build capacity within UNRWA.

15. The Working Group continues to believe that UNRWA plays a vital role in preserving the stability and security of the region, and that adequate funding of the Agency's programmes, in accordance with properly estimated needs of the refugee community, is essential to ensuring this. The Group notes that the improvement in 2004 and 2005 of the Agency's financial situation was a welcome development, but would have to be sustained and substantially increased to meet the requirements of the 2006-2007 budget.

16. In view of the continuing humanitarian difficulties in the occupied Palestinian territory, and the absence of any turnaround in high rates of poverty and

unemployment in the near future, the Working Group recognizes the need for certain elements of UNRWA emergency interventions to continue in the West Bank and Gaza Strip. Others have already been incorporated into the regular budget. Interventions envisioned in post-disengagement planning in which UNRWA is foreseen to take the lead include job creation, microfinance, the reconstruction of destroyed shelters and camp development.

17. The Working Group calls upon the Government of Israel to enhance its cooperation with the Agency to maximize the benefit of donor contributions by ensuring speedy delivery of UNRWA services.

18. The Working Group agrees that the problem of the refugees is deeply rooted in a political issue that originated more than half a century ago, and that it remains essential to settle this problem once and for all in accordance with all relevant United Nations resolutions. The problems faced by the refugees today are, however, humanitarian ones that must be addressed as a shared international responsibility. The services provided by UNRWA must be viewed as the minimum required to enable the refugees to lead productive lives. Any further reduction in those services would not only unfairly deprive the refugees of the minimum level of support to which they are entitled, but could also have a destabilizing effect on the entire region. Above all, the Group expresses the hope that the international support for UNRWA embodied in the resolutions adopted each year by the General Assembly, in which the Assembly recognizes the importance of the work of the Agency and requests that Governments contribute to it, will be translated into increased support to ensure the continuation of the Agency on a sound financial basis.

19. The Working Group therefore strongly urges all Governments to bear in mind the foregoing considerations when deciding upon the level of their contributions to UNRWA for 2006 and once again:

(a) Urges Governments that have not yet contributed to UNRWA to start to do so;

(b) Urges Governments that have so far made only relatively small contributions to increase their contributions;

(c) Urges Governments that in the past have made generous contributions to UNRWA to continue to do so in a timely manner and to strive to increase them;

(d) Urges Governments that traditionally have shown special interest in the welfare of the Palestine refugees, both in the region and beyond, to begin contributing or to increase their contributions;

(e) Urges Governments to fully fund the Agency's 2006-2007 budget and to consider making special contributions in support of the strategic planning initiatives the Agency has launched with its medium-term plan, so that the Agency can bring UNRWA services up to levels prevailing in the host authorities, and to ensure that donor support of emergency-related and special programmes or capital projects does not in any way decrease or divert contributions to the Agency's regular programme.

Notes

[1] For the consideration of the most recent report of the Working Group (A/59/442), see A/59/470.

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Letter dated 17 October 2005 from the Permanent Representative of Yemen to the United Nations addressed to the Secretary-General

I have the honour, in my capacity as Chairman of the Organization of the Islamic Conference Group in New York, to transmit herewith the final communiqué of the annual coordination meeting of Ministers for Foreign Affairs of the States members of the Organization of the Islamic Conference, held at United Nations Headquarters in New York on 23 September 2005 (see annex).

I should be grateful if you would arrange for the present letter and its annex to be circulated as a document of the General Assembly, under agenda items 9, 12, 14, 15, 17, 19, 24, 25, 27, 30, 31, 32, 33, 38, 39, 40, 41, 42, 43, 46, 50, 51, 52, 54, 56, 66, 69, 70, 71, 73, 74, 84, 89, 90, 94, 97, 100, 103, 108, 110, 115, 116, 117, 118, 119 and 120, and of the Security Council.

(*Signed*) Abdullah M. **Alsaidi**
Ambassador
Permanent Representative

Annex to the letter dated 17 October 2005 from the Permanent Representative of Yemen to the United Nations addressed to the Secretary-General

[Original: Arabic, English and French]

Final communiqué of the annual coordination meeting of Ministers for Foreign Affairs of the States members of the Organization of the Islamic Conference

United Nations Headquarters, New York
23 September 2005-19 Shaa'ban 1426

The Ministers of Foreign Affairs of the OIC Member States held their Annual Coordination Meeting at the United Nations Headquarters in New York on 23 September 2005, under the chairmanship of His Excellency Ambassador Abdullah Alsaidi, Permanent Representative of the Republic of Yemen to the United Nations. His Excellency Ambassador Ibrahim Jambari, Assistant Secretary General for Political Affairs, attended the meeting representing the UN Secretary General. The Meeting, after deliberation, adopted the following:

1. The Meeting emphasized its strong conviction about the central role that the United Nations, as the only universal multilateral organization, can and should play in strengthening global coordination and cooperation in dealing with global challenges and threats, and reaffirmed the determination of the OIC Member States to actively work with the United Nations along this line in accordance with its Charter. In this regard, the Meeting also reiterated that the United Nations is regarded by the OIC as an indispensable global mechanism for the promotion of a shared vision of a more secure and prosperous world. It, further, underscored that multilateralism and collective approaches, in accordance with international law and the Charter of the United Nations, are essential tools in addressing the common threats and challenges.

2. The Meeting expressed its rejection of unilateralism, which could lead to the erosion and violation of international law, to the use and threat of use of force and to pressure and coercion, including unilateral sanctions, by certain countries as a means to achieve their political agenda.

3. The Meeting reaffirmed its resolve to contribute effectively to the maintenance and promotion of regional and global peace and security, to preserve peace and security of all OIC Member States, to reject and condemn all campaigns of hostility and defamation against Islam, the Muslim communities and the Islamic countries, and to extend its full support and solidarity to Islamic countries facing external pressure, threats and interference in their domestic affairs, and called for the settlement of disputes between States by dialogue on the basis of international law and the respect for the principles of sovereignty and non-interference in the internal affairs of the States. It also emphasized the need for greater cooperation, coordination and consultation and for a common stance in international fora.

4. The Meeting underlined the considerable impact of development on global peace, prosperity, security and stability, and stressed the value of dialogue, understanding and mutual respect among religions, cultures and civilizations. In this context, the Meeting reaffirmed the commitments made by the OIC Member States in accordance with the Putrajaya Declaration adopted at the Tenth Islamic Summit Conference to continue efforts aimed at strengthening their bonds of unity and cohesion, expanding cooperation in all areas, and participating collectively in the global decision-making process. It also recalled the commitment of the 32nd Session of the Islamic Conference of Foreign Ministers (ICFM) that the OIC Member States would assist each other in their progress and reform, which should come from within, and the OIC, as an institution, would also develop ways and means for supporting progress in a collective framework.

5. The Meeting underscored the necessity for a viable strategy which should aim at creating and promoting mutual understanding, tolerance and harmony among different religions and civilizations. The Meeting also highlighted the strength of the spiritual values of the Islamic World with which the universal values of freedom, democracy, peace; justice and prosperity are in harmony. In this regard, the Meeting recalled the following initiatives from the Islamic World: Dialogue among Civilizations-Iran; Religious and Cultural Understanding, Harmony and Cooperation-Pakistan; International Decade for a Culture of Peace and Nonviolence for the Children of the World, 2001-2010-Bangladesh; Seminar on Islam and the West-Qatar; OIC-EU Joint Forum "Civilization and Harmony; The Political Dimension"-Turkey; the International Conference of Islamic Scholars-Indonesia, Declaration of the First Congress of Leaders of World and Traditional Religions-Kazakhstan, Alliance of Civilizations-co-sponsored by Turkey, and the International Conference on Islamic-Christian Dialogue in 2006 (Senegal).

6. The Meeting took note of the launch of the initiative of Alliance of Civilizations, which is co-sponsored by Turkey. The Meeting also took note of the announcement by the United Nations Secretary-General regarding the establishment of a High-Level Group within the framework of the Alliance of Civilizations.

7. The Meeting expressed hope that the UN General Assembly would review the implementation of the Global Agenda for Dialogue among Civilizations and its Programme of Action during its current Session. In this regard, the Meeting highlighted the contribution made by the Organization of the Islamic Conference and its Member States, some of which are reflected in the reports of the OIC Member States, OIC General Secretariat, and the Islamic Educational, Scientific and Cultural Organization (ISESCO), with a view to improving the respective report of the UN Secretary-General to the sixtieth session of the General Assembly. The Meeting took cognizance of the adoption of "Tehran Declaration" [A/59/825] by the International Conference on Environment, Peace, and the Dialogue among Civilizations and Cultures, (Tehran, May 9-10, 2005) as well as the International Conference of UNESCO on the Dialogue among Civilizations, Cultures and Peoples [A/60/77], held at UNESCO Headquarters on 5 April 2005. In this regard, the Meeting welcomed and supported the intention of H.E. Mr. Mohammad Khatami, the then President of

the Islamic Republic of Iran, to establish a Centre for Dialogue among Civilizations, and expressed the readiness of the relevant bodies of the OIC System for close cooperation with that Centre in realizing its objectives.

8. The Meeting paid special tribute to the President of Pakistan, General Pervez Musharraf, for his timely and important initiative on "Enlightened Moderation" which was adopted by the 10th Islamic Summit Conference through its resolution no. 45/10-P(IS). The Meeting also paid special tribute to the Prime Minister of Malaysia, Dato' Seri Abdullah Ahmad Badawi, for the timely and important initiative on "Islam Hadhari" (Civilizational Islam). The Meeting commended the Commission of Eminent Persons (CEP) for its work and welcomed its recommendations on developing the political, economic, security, cultural and social conditions in the Islamic World. It expressed the hope that the Extraordinary Islamic Summit Conference, to be held later this year in Makkah, would consider and adopt the Commission's recommendations, thereby enabling the Secretary General and the Member States to faithfully and expeditiously implement them. In this connection, the Meeting paid special tribute to the Government of Malaysia for hosting the Inaugural Meeting of the CEP in Putrajaya on 27-29 January 2005, and to the Government of Pakistan for hosting the second meeting of the CEP in Islamabad on 28-29 May 2005, which presented the set of recommendations for the consideration and approval of the Extraordinary Islamic Summit Conference.

9. The Meeting reaffirmed the centrality of the cause of Al-Quds Al-Sharif for the whole Islamic Ummah. It affirmed the Arab nature of East Jerusalem and the need to defend the sanctity of Islamic and Christian holy places. It reiterated its condemnation of the attempts by Israel, the occupying Power, to change the status, demographic composition and the character of East Jerusalem, in particular by its unlawful colonization practices, including its settlement activities and construction of the Wall in and around the City.

10. The Meeting reaffirmed its principled support for the right of the Palestinian people to national independence and the exercise of sovereignty in their State, Palestine, with Al-Quds al-Sharif as its capital. It reaffirmed the rights of the Palestine refugees in accordance with international law and General Assembly resolution 194(III) of 11 December 1948. The Meeting reiterated its solidarity with the Palestinian people in their struggle to achieve self-determination led by their legitimate national leadership.

11. The Meeting strongly condemned the continuing illegal Israeli policies and practices in the Occupied Palestinian Territory, including Al-Quds Al-Sharif. It condemned in particular the wilful killing of Palestinian civilians, including extra-judicial executions; the wanton destruction of homes, infrastructure and agricultural lands; the detention and imprisonment of thousands of Palestinians; and the imposition of collective punishment on the entire Palestinian population, including severe restrictions on the movement of persons and good, including prolonged curfews.

12. The Meeting also strongly condemned the illegal Israeli policy and practice of colonization of the Palestinian land through its settlement activities and construction of the expansionist Wall, which has involved the confiscation of thousands of more dunums of Palestinian land, the isolation of dozens of Palestinian villages, towns and cities and the extensive destruction of property and the livelihoods of thousands of Palestinian civilians. The Meeting viewed such illegal activities as tantamount to de facto annexation of large parts of the Palestinian territory, which would render impossible to realize the establishment of the State of Palestine.

13. The Meeting noted with regret the negative and defiant response by Israel to the Advisory Opinion rendered on 9 July 2004 by the International Court of Justice, its non-compliance with General Assembly resolution ES-10/15 of 20 July 2004, and its continued construction of the Wall in the Occupied Palestinian Territory, including in and around East Jerusalem. The Meeting, thus, called once again for respect of the Advisory Opinion and the implementation of resolution ES-10/15 and encouraged all States to impose punitive measures against those entities and companies contributing to the construction of the Wall and against settlements products, settlers and all those profiting from any illegal activities in the Occupied Palestinian Territory, including Al-Quds. The Meeting also called for the following specific actions:

a) At the United Nations, further measures should be taken, in accordance with operative paragraph 5 of resolution ES-10/15, and also called on the Security Council to undertake its responsibilities by adopting a clear resolution and undertaking necessary measures in this regard. The Secretary-General of the United Nations should also expedite the work with regard to the request made by the General Assembly in resolution ES-10/15 to establish a register of damage caused by the Wall and to ensure that the positions and documents of the UN Secretariat are fully consistent with the Advisory Opinion.

b) With regard to Member States, the Meeting called upon them to undertake measures, including by means of legislation collectively, regionally and individually, to prevent any products of the illegal Israeli settlements from entering their markets consistent with the obligations under international treaties, to decline entry to Israeli settlers and to impose sanctions against companies and entities involved in the construction of the wall and other illegal action in the Occupied Palestinian Territory.

c) With regard to the High Contracting Parties to the Fourth Geneva Convention, the Meeting called on them to adhere to Article 1 common to the four Geneva Conventions and to undertake measures to ensure compliance by Israel with the Convention.

14. The Meeting welcomed the adoption by the General Assembly of resolution 58/292, of 6 May 2004, on the "Status of the Occupied Palestinian Territory, including East Jerusalem", and stressed the need for follow-up in

ensuring that Israeli credentials to the United Nations do not cover the territories occupied by Israel since 1967, including East Jerusalem.

15. The Meeting reaffirmed its support for a comprehensive peace, based on relevant United Nations resolutions, including Security Council resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003) as well as agreed principles, which call for Israel's complete withdrawal from the Occupied Palestinian Territory, including the City of Al-Quds Al-Sharif, and all other occupied Arab territories. In this context, the Meeting reiterated its endorsement of the Arab Peace Initiative as adopted by the Fourteenth Arab Summit, held in Beirut, Lebanon, on 28 March 2002.

16. The Meeting expressed the hope that the international community and the Quartet would undertake the necessary efforts to salvage the Road Map and implement its provisions towards its stated aims and goals in accordance with international law. It expressed concern at repeated Israeli attempts to evade the Road Map and to substitute it with different steps.

17. The Meeting stressed that the withdrawal from the Gaza Strip and the dismantling of the settlements is a promising step, and emphasized that the withdrawal should be complete and irreversible, should be accompanied by similar steps in the West Bank, and should be part of and consistent with the Road Map. In this regard, the Meeting stressed the need and importance of the construction and operation of the airport and seaport in Gaza and the establishment of the safe passage (a permanent geographical link) between the West Bank and Gaza.

18. The Meeting reiterated the proposal endorsed by the OIC and the Non-Aligned Movement countries to convene a conference for International and Regional Organizations on the Israeli-Palestinian conflict. The purpose of this conference will be to reaffirm the basic principles for the peaceful settlement of the conflict, and to explore was and means to establish in 2006 an independent Palestinian State on the basis of 1967 borders as stipulated in the Road Map plan.

19. The Meeting stressed the need for the OIC, at all levels, to continue practical and political support for the just resolution of the Question of Palestine. It commended the efforts made by Al-Quds Committee, under the chairmanship of His Majesty King Mohammed VI of Morocco, to safeguard the Arab Islamic identity of Al-Quds Al-Sharif and it also commended the OIC Committee on Palestine for its work.

20. The Meeting, recalling resolution 5/32-PAL of the 32nd Session of the ICFM (Sana'a June 2005), and taking into account the situation prevailing in the occupied Palestinian Territory, including East Jerusalem, and the grave violations of the international humanitarian law that continue to be perpetrated by Israel, the occupying Power, reiterated the position of the Member States of the OIC which calls for the postponement of the proposed Diplomatic Conference to adopt a Third Additional Protocol to the Geneva Convention relating to the adoption of an additional distinctive emblem.

21. The Meeting strongly condemned Israel's policy of refusing to comply with Security Council resolution 497 (1981) concerning the occupied Syrian Golan and its policies of annexation, building of colonial settlements, confiscation of land, diversion of water sources and imposition of Israeli nationality upon Syrian citizens. It also demanded Israel to completely withdraw from the occupied Syrian Golan to the June 4th 1967 lines in accordance with Security Council resolutions 242 (1967) and 338 (1973), the principle of land for peace, the Madrid Peace Conference terms of reference and the Arab Peace Initiative, adopted by the Beirut Arab Summit on 28 March 2002. The meeting also demanded Israel to release all Syrian detainees citizens of the Syrian occupied Golan, taking into consideration that some of them have been detained for more than 20 years.

22. The Meeting condemned threats against some Member States, particularly the Syrian Arab Republic, and condemned the decision of the US Administration to impose unilateral economic sanctions against Syria. It also condemned the so-called "Syria Accountability Act". It urged Member States to further strengthen their brotherly ties with Syria in all fields.

23. The Meeting supported Lebanon in its efforts to complete the liberation of all its remaining territories under Israeli occupation including Shab'a farms, and urged the United Nations to compel Israel to pay reparations for all the losses it has inflicted, or caused, as a result of its persistent aggression against Lebanon. It further supported Lebanon in its demands for the removal of the mines left behind by the Israeli occupation, which planted these mines and therefore bears the responsibility for removing them. It also supported the inalienable rights of Lebanon to utilize its waters in accordance with international law and condemned Israel's designs on these waters. It held Israel responsible for any action such as infringing upon Lebanon's sovereignty, its political independence, the safety of its people, or the integrity of its territories, and in this regard, the Meeting condemned the continuing Israeli violations of the Lebanese sovereignty. It demanded the international community to take all necessary measures to compel Israel to immediately cease these violations and release all the remaining Lebanese prisoners and abductees detained in Israeli prisons. It reaffirmed the right of the Palestine refugees to return to their homes, and rejected settling them in Lebanon.

24. The Meeting welcomed United Nations Security Council resolution 1546 of 8 June 2004 which provided the basis for the ending of the occupation and assumption of responsibility by the Iraqi Sovereign Government in accordance with the timetable proposed for Iraq's political process. It noted with satisfaction the important role assigned to the United Nations under that resolution.

25. The Meeting reaffirmed the imperative of respect by all for the sovereignty, political independence, national unity and territorial integrity of Iraq. It emphasized the right of the Iraqi people to freely determine their own political future and effectively control their own natural resources.

26. The Meeting condemned the terrorist acts perpetrated against Iraqi people, their places of worship, religious sites, police stations and the governmental institutions, including the health, public utility institutions, and also against diplomatic institutions and diplomats, diplomatic personnel and premises. The Meeting also underlined the necessity for all parties, including the multinational forces to respect the civil and religious rights of the Iraqi people, as well as the preservation of the religious sites, and cultural and historical heritage of Iraq.

27. The Meeting also condemned all calls based on sectarianism which cause discord among the Iraqi people, and most particularly the recent calls launched by the terrorist groups for Iraqis to fight against each other.

28. The Meeting reaffirmed the urgent necessity of eliminating all terrorist and other armed groups present and emanating from Iraqi territory which constitute a danger to security and stability of Iraq and its neighbouring States.

29. The Meeting strongly condemned and deplored all acts of kidnapping and assassination directed against Iraqis and nationals of other countries.

30. The Meeting welcomed the announcement by Iraq to establish good relations between Iraq and its neighbouring States, based on mutual respect and principle of non interference in their internal affairs, as well as to abide by the existing treaties and agreements, particularly those relevant to internationally recognized borders, and invited Iraq and its neighbouring countries to actively cooperate to promote peace and stability in the region.

31. The Meeting called upon Iraq's neighbouring countries to increase their cooperation with the Government of Iraq on the overall border security, including effective monitoring of the borders, strict controls at entry points and cross border movements and exchange of intelligence with Iraq, with the primary aim of stemming terrorist and other illegal infiltration to and from Iraq.

32. The Meeting condemned the inhuman practices and abuses committed against the Iraqi detainees at Abu-Gharaib prison, and at the other prisons and detention centers in Iraq. It demanded that those responsible be tried by appropriate judicial processes that conform to international standards in accordance with international humanitarian law, including the Geneva Conventions.

33. The Meeting called upon all the Member States to cooperate and to coordinate their efforts to combat the illegal trade and trafficking in Iraqi antiques, and help return those recovered to the Iraqi museums.

34. The Meeting called upon the Member States to provide all forms of support and assistance to meet Iraq needs and facilitate contributions and efforts designated to reactivate its organizational bodies, and economic institutions and infrastructures. The Meeting also urged the donors and the international community to take immediate steps to meet the obligations pledged in the Madrid Conference (2003) and to increase their contribution in

the reconstruction and development of Iraqi economy. The Meeting also welcomed the commitment of the Paris Club to reduce substantially Iraq's sovereign debt and urged the other creditors to take similar decisions.

35. The Meeting condemned strongly the killing of Kuwaiti and Iranian Prisoners of War and third-country nationals by the former Iraqi regime; the Meeting also condemned the concealment of these crimes for over a decade by the former Iraqi regime, which is considered a violation of international humanitarian law. It called for the necessity of bringing the perpetrators of these crimes against humanity to trial.

36. The Meeting condemned the mass killings of innocent Iraqis by the former regime and considered these as a crime against humanity. The Meeting demanded the trial of those responsible and called upon Member States and the international community not to provide refuge to officials of the former regime, who have committed such crimes against Iraqis and others.

37. The Meeting called on Member States that have pledged donations to the Afghan People Assistance Fund to expedite the remittance of their donations, in order to strengthen the Fund's resources to help it achieve its noble humanitarian goals for which it was established. It also appealed to the international community to provide the assistance it has pledged for Afghanistan during the Tokyo and Berlin Donor Conferences.

38. The Meeting reaffirmed its support to the people of Jammu and Kashmir for their legitimate right to self-determination in accordance with the relevant UN resolutions and the aspirations of the Kashmiri people. It called for respect of the human rights of the Kashmiri people and the ending of their continuous violations. It urged India to end human rights violations against the Kashmiri people, and allow international human rights organizations to verify the condition of human rights in Indian-held Kashmir.

39. The Meeting expressed its strong support to the ongoing peace process between Pakistan and India, and urged both countries to make it "irreversible" and result-oriented. The Meeting encouraged the two sides to maintain regular contacts at the highest level and to implement the agreed confidence-building measures (CBMs), including steps to ameliorate the lives of the Kashmiri people, promotion of bilateral trade, and people to people contact, in order to foster improvement of relations between the two countries. The Meeting called upon the OIC and the United Nations to help the peace process by all possible means.

40. The Meeting, having taken note of the Joint Declaration of India and Pakistan after the meeting which was held between the President of Pakistan and the Prime Minister of India in New York on 24 September 2004 and in New Delhi on 18 April 2005, stressed that ongoing dialogue process should lead to sustentative progress for the resolution of the core dispute of Jammu and Kashmir in accordance with the aspirations of the Kashmiri people, and their association with the dialogue process.

41. The Meeting expressed its serious concern on the building of the fence along the Line of Control (LOC) in occupied Kashmir by India in contravention of international and bilateral agreements. The Meeting called upon the international community, particularly the United Nations and United Nations Military Observer Group in India and Pakistan (UNMOGIP) to take note of the Indian actions and ensure respect and implementation of all international and bilateral agreements on LOC.

42. The Meeting endorsed the recommendations of the OIC Contact Group on Jammu and Kashmir. It also took note of the memorandum presented by the True Representatives of the Kashmiri People to the Contact Group and reaffirmed the OIC's commitment to promote a just and peaceful solution of the Jammu and Kashmir dispute.

43. The Meeting emphasized its full solidarity with the Republic of the Sudan in laying the foundations of peace and stability all over the country, to achieve national reconciliation, and to defend its sovereignty, unity, independence and territorial integrity. It also affirmed its support for Sudan's request of an investigation into the destruction of Al-Shifa Factory in Khartoum in 1998 by the United States of America.

44. The Meeting called on the international community to honour its commitments in the Oslo Donor Conference for Reconstruction of the Sudan with a view to establishing the foundations of peace in the country. It called on the General Secretariat to speedily implement the resolution of the Tenth Islamic Summit Conference on the Establishment of a Fund for the Reconstruction and Development of war-stricken regions in the Sudan. It also urged Member States, the Islamic Development Bank and financing institutions of Member States to provide urgent assistance to the Sudan in order to support its efforts aimed at addressing the humanitarian situation in Darfur.

45. The Meeting decided to support the African Union's efforts to end the conflict in Darfur, and stressed the readiness of the OIC to contribute to these efforts. The Meeting hailed the cooperation of the Government of the Sudan with the United Nations and the African Union in addressing the humanitarian and security situation in Darfur. It also commended the peace efforts of the Sudanese Government and its willingness to find a peaceful solution to the conflict in Darfur. The Meeting welcomed the resumption of negotiations in Abuja between the Sudanese Government and armed movements in the region.

46. The Meeting reaffirmed its commitment to a comprehensive and lasting settlement of the situation in Somalia, while reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of the country, consistent with the principles of the Charter of the United Nations. The Meeting called on all States to respect the aforementioned sovereignty of Somalia and to refrain from interfering in its internal affairs. It welcomed the positive outcome of the Intergovernmental Authority on Development (IGAD) led peace process for Somalia and the formation of federal institutions of governance.

47. The Meeting further welcomed the relocation of the Transitional Federal Institutions (TFIs). It urged further progress in this regard and encouraged Somali leaders to continue to work towards reconciliation through dialogue and consensus building within the framework of the Transitional Federal Institutions. It also welcomed the decision of the African Union Peace and Security Council to speed up preparations for the deployment of an African Union Peace Support Mission for Somalia in accordance with Security Council Presidential Statement PRST 2005/32. It called on the international community to recognize and support the Government and to extend urgent financial support so as to enable it to consolidate security, stability, complete national reconciliation and re-establish, the basic structures of governance for Somalia.

48. The Meeting expressed satisfaction with the major developmental and humanitarian activities of the OIC Funds for Bosnia and Herzegovina and for Sierra Leone in furtherance of the spirit of solidarity and cooperation within the Islamic World. It urged Member States, the Islamic Development Bank and the Islamic Solidarity Fund to support the Funds and make use of them when it comes to implementing their projects meant for Bosnia and Herzegovina and for Sierra Leone.

49. The Meeting recalled resolution 23/32-P, adopted at the 32nd Session of the Islamic Conference of Foreign Ministers, held in Sana'a, Yemen, in June 2005, and reiterated its deep concern about the dire famine and drought situation in Niger. It appealed to the Member States and Islamic financial institutions to provide urgent food and humanitarian assistance to the people of Niger.

50. The Meeting recalled the UN Security Council's resolution 1506 of 12 September 2003 to finally lift sanctions imposed on the Great Socialist People's Libyan Arab Jamahiriya, and called for the lifting of the remaining unilateral sanctions imposed on the Jamahiriya as a means of political coercion that contravenes UN resolutions.

51. The Meeting emphasized that UN sanctions should not be used for political motivations and reaffirmed that no State should use or encourage the use of UN sanctions as well as unilateral economic, political or any other measure to coerce another State in order to subordinate the exercise of its sovereign rights.

52. The Meeting further deplored all arbitrary political, legal, economic and other unilateral coercive measures and urged those States that have imposed such coercive measures and any other pressures upon any OIC Member State to end these subjective measures, as they contravene the objectives and principles of the United Nations Charter and of the international law.

53. The Meeting reiterated its condemnation of the continuing aggression by the Republic of Armenia against the sovereignty and territorial integrity of the Republic of Azerbaijan, which constitutes a blatant violation of the principles of the United Nations Charter and international law. It called for total, unconditional and immediate withdrawal of the Armenian forces from all occupied territories of Azerbaijan. The Meeting supported the efforts of the

Republic of Azerbaijan to build on the results of the meetings held within the framework of the Prague process on the peaceful settlement of conflicts.

54. The Meeting reiterated its determination to support the efforts of the Government of Azerbaijan aimed at eliminating the impediments to the peace process emerged in result of the illegal activities of Armenia carried out in the occupied territories of Azerbaijan, such as the transfer of settlers of Armenian nationality, practices of artificial geographic, cultural and demographic alternations, illicit economic activity, and exploitation of natural resources in these occupied territories. The Meeting urged all Member States to continue strengthening their solidarity with the people of Azerbaijan and supporting its just cause. To this end, the Member States agreed to extend their full support to endeavours of Azerbaijan aimed at utilizing the potential of the United Nations, including through the cooperation of the latter with relevant regional international organizations, to achieve soonest restoration of complete sovereignty and territorial integrity of Azerbaijan.

55. The Meeting expressed its firm support for the rightful cause of the Muslim Turkish Cypriots; reiterated its decision to put an end within the context of the call made by the United Nations Secretary-General in his report of 28 May 2004 as well as the previous OIC resolutions to the unjust isolation of Turkish Cypriots, and strongly called upon the international community to take, without further delay, concrete steps to end this isolation. Recalling that the United Nations Plan aimed to establish a new state of affairs in Cyprus in the form of a new bi-zonal partnership with two equal constituent states, the Meeting acknowledged that neither side may claim authority or jurisdiction over the other and that the Greek Cypriots do not represent the Turkish Cypriots. Through Resolution 5/32-P adopted by the 32nd Session of the Islamic Conference of Foreign Ministers (ICFM) in June 2005, the Meeting once again urged the Member States to closely associate with the Turkish Cypriots and to increase and expand their relations in all fields; encouraged the Member States to exchange high-level visits with the Turkish Cypriot side. The Meeting also urged the Member States to inform the OIC General Secretariat of the actions taken regarding the implementation of the OIC resolutions and in particular resolutions No.2/31-P and 5/32-P.

56. The Meeting reaffirmed the imperative of promoting multilateral diplomacy in resolving disarmament and non-proliferation concerns, and, in this context, underlined that treaty-based multilateral institutions established under the auspices of the United Nations are the sole legitimate bodies to verify and ensure compliance with relevant international agreements.

57. The Meeting, while noting the adoption of the United Nations Security Council resolution 1540 of 28 April 2004, whose scope is limited to preventing the acquisition of weapons of mass destruction by non-state actors, underscored that this was a temporary arrangement to fill a gap in international rules. It also underlined that the Security Council cannot assume legislative responsibilities in matters pertaining to non-proliferation and disarmament issues, since those States which seek to perpetuate the monopoly of nuclear weapons also wield the power of the veto in the Council. In this regard, the Meeting called for concluding a non-discriminatory and universally negotiated

international treaty on the threat of WMD proliferation by non-State actors which should replace the temporary arrangements assumed by the Security Council under resolution 1540.

58. The Meeting urged all parties directly concerned to consider seriously taking practical and urgent steps required for implementing the proposal to establish a nuclear-weapon-free zone in the region of the Middle East in accordance with the relevant resolutions of the United Nations, and warned against the dire consequences of the continuing rejection of Israel to accede to the Nuclear Non Proliferation Treaty (NPT) and to place promptly all its nuclear facilities under the full scope of the safeguards of the International Atomic Energy Agency (IAEA). In this regard, the Meeting supported the draft resolution submitted by the Syrian Arab Republic to the Security Council on 29 December 2003 regarding the establishment of a zone free from all weapons of mass destruction in the Middle East and called upon the Security Council to act positively on the draft to achieve that lofty goal in the region.

59. The Meeting, while noting the IAEA Director-General's report on implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran (GOV/2004/83) in which he confirmed that "all the declared nuclear material in Iran has been accounted for, and therefore such material is not diverted to prohibited activities", reaffirmed the inalienable right of all Members States, including the Islamic Republic of Iran, to develop their nuclear capabilities for peaceful purposes in accordance with the provisions of the Non-Proliferation Treaty and the Statute of the IAEA.

60. The Meeting reaffirmed its resolve to combat all forms and manifestations of terrorism, including state terrorism, and its determination to participate in the multilateral global efforts to eradicate this menace, rejected selectivity and double standards in combating terrorism, and any attempts to link terrorism to a specific religion, culture, community or country. It also reiterated its support for the convening of an international conference under the aegis of the United Nations to define terrorism and stress the need for efforts to be exerted to conclude a comprehensive convention on international terrorism that would differentiate between terrorism and legitimate struggle of people under colonial or alien domination and foreign occupation for self-determination in accordance with the United Nations Charter and international law. The Meeting reaffirmed that situations of foreign occupation are governed by international humanitarian law and not by conventions on terrorism; it also called upon all Member States, who have not done so, to take the necessary steps towards the ratification of the OIC Convention on Combating International Terrorism. The Meeting also reaffirmed its support and backing of the Riyadh Declaration issued by the International Counter Terrorism Conference which was held in February 2005, as well as all the recommendations of the Conference, including the creation of an International Counter-Terrorism Centre, and the establishment of a task force for follow-up and examination of all recommendations under the aegis of the United Nations.

61. The Meeting emphasized that promoting dialogue among civilizations and enhancing tolerance are among the most important elements in advancing international cooperation for eradication of the scourge of terrorism.

62. The Meeting recalled the decisions adopted by the Thirteenth Summit of Non Aligned Countries, held in Kuala Lumpur (Malaysia), and the Second Ordinary Session of the Assembly of the African Union, held in Maputo (Mozambique), regarding Tunisia's proposal to elaborate by consensus an international counter-terrorism code of conduct within the framework of the United Nations. The Meeting endorsed this initiative and appealed to all Member States of the United Nations and international organizations to support it and contribute to its realization when it is tabled before the United Nations General Assembly.

63. The Meeting stressed the importance of enhancing the solidarity and cohesion in the voting patterns at the United Nations organs on issues of mutual concern to the OIC Member States in accordance with the relevant resolutions of the OIC Summits and Ministerial Conferences. In this context, the Ministers instructed their ambassadors and representatives to the United Nations and its organs to strictly observe this important tenet which upholds the credibility and integrity of the OIC.

64. The Meeting underlined the need for evolving common perceptions and agreed approaches to address both the new and existing threats to international peace and security in the context of multilateralism. In this regard, while underscoring that the process of UN reform should not take place at the expense of the UN principles, the Meeting emphasized the need for cooperative multilateralism to pursue and promote the UN Charter principles. The Meeting, also, reiterated the OIC's stance in support of the principle of the United Nations reform, including the expansion of the Security Council's membership, in accordance with the United Nations General Assembly resolutions, and taking into consideration the principles of sovereign equality of all States and the need to ensure equitable geographic distribution. It also stressed an increased role of regional groups in nomination of their representatives to serve on the Council. The Meeting called for a comprehensive reform of the Security Council in all its aspects so as to make it more democratic, representative, transparent and accountable. It also recognized that there was a wide support for increasing the number of non-permanent members in the Security Council. It decided that any reform proposal which neglect the adequate representation of the Islamic Ummah in any category of membership in an extended Security Council will not be acceptable to the Islamic World.

65. The Meeting expressed its determination to vigorously pursue the promotion and protection of human rights and fundamental freedoms and encouraged greater transparency, cooperation, mutual tolerance and respect for religious values and cultural diversity in the field of universal promotion and protection of human rights. It recalled General Assembly resolution 58/167 of 22 December 2003 on human rights and cultural diversity which emphasized that the promotion of cultural pluralism and tolerance at the national, regional and international levels is important for enhancing respect for cultural rights and cultural diversity. It also reiterated the necessity of following up on the Cairo Declaration on Human Rights in Islam, and called upon all the Member States to continue their coordination and cooperation in the area of human rights in the relevant international fora with the view to enhance Islamic

solidarity in confronting attempts to use human rights as a means to politically pressurize any of the Member States.

66. The Meeting expressed its opposition to the practice of submitting country-specific resolutions on human rights situations which are selectively targeting developing and Islamic countries. It reaffirmed that this practice is one of the main reasons that transforms the work of human rights bodies into an extremely political exercise rather than contributes to the advancement of the cause of human rights.

67. The Meeting underlined that human rights is a crucial aspect of the work of the United Nations, and while expressing concern on the fact that the UN human rights system has so far suffered from problems such as politicization and political manipulation through gross selectivity and application double standards, emphasized that to restore the credibility of the human rights machinery and to best combine its efficiency with legitimacy, concrete steps must be taken to reduce selective approaches.

68. The Meeting underlined the essential prerequisite of following a uniform approach on all aspects of United Nations reform and achieving the expansion of the Security Council with the broadest possible consensus. In this context, the Meeting stressed the initiation of constructive negotiation between all United Nations Member States, to refrain from pushing divisive votes, without imposing any time limits. It called for and to building upon the points of convergence such as the need to enlarge the Council, to increase the representation of developing countries, and to improve the working methods and transparency of the Council's work.

69. The Meeting, while taking note of the United Nations Secretary-General and the President of the General Assembly's proposal on transformation of the United Nations Commission on Human Rights to a Human Rights Council, called for establishing an open-ended inter-governmental working group to discuss all related aspects of the proposal. It stressed, however, that any proposal for reforming the human rights machinery of the United Nations should be based on the principles of sovereign equality of States and the need to ensure equitable geographic distribution.

70. The Meeting agreed that the General Assembly representing universal membership, in accordance with United Nations Charter must be enabled to exercise its authority in addressing all major issues, including peace and security, development and human rights. The Meeting further called for halting and reversing the encroachment by the Security Council on the Assembly's prerogatives and functions.

71. The Meeting, recognizing the central role of the Economic and Social Council (ECOSOC) in the promotion of socio-economic development, called for its transformation into an effective policy dialogue platform, to use its mechanism for monitoring the implementation of the agreed development goals, as an effective development forum and strengthening its role in the prevention of conflicts through development support. In this context, the

Meeting appreciated the proposal made by the President of the ECOSOC to further strengthen the coordinating role of the ECOSOC.

72. The Meeting emphasized the importance of the second phase of the World Summit on the Information Society to be held in Tunis from 16 to 18 November 2005, following the first phase held in Geneva in December 2003, and the importance of integrating the two phases of this Summit as interrelated stages in the examination of optimal ways to bridge the digital gap between developing countries and industrial ones. It called on Member States to participate actively in the preparatory work for the second stage of this Summit and to prepare an effective partnership plan to establish a balanced information society.

73. The Meeting reaffirmed the need to strengthen the role and capacity of the United Nations system to assist developing countries' efforts to achieve the internationally-agreed development goals, including those contained in the Millennium Declaration.

74. The Meeting emphasized the need for the promotion of the new global human order aimed at reversing the growing disparity between the rich and poor, both among and within countries through, inter alia, the eradication of poverty, the promotion of sustainable development, and the realization of the just aspiration of all peoples.

75. The Meeting reiterated that the pursuance of sustainable development should be the priority of all countries through the implementation of all internationally-agreed development goals and objectives at all levels, including those contained in the Johannesburg Plan of Implementation and the Millennium Declaration, (and) the Brussels Programme of Action, and the Almaty Programme of Action for Landlocked Developing Countries, and stressed that the multilateral trading and financial systems should be open, equitable, rule-based, non-discriminatory and sensitive to Least Developed Countries (LDCs) situation. In this context, it urged the international community to facilitate the accession of those OIC Member States that seek to join the World Trade Organization (WTO) on fair terms, irrespective of political considerations.

76. The Meeting urged the developed countries that have not done so, to materialize the target of 0.7% of GNP for official development assistance by the end of 2006, in order to enable the developing countries to meet the Millennium Development Goals (MDGs), as set by 2015.

77. The Meeting welcomed the initiative of Malaysia to establish a Capacity-Building Programme aimed at poverty alleviation in less-developed and low-income countries and welcomed the launching of the Programme on 29 March 2005 in Kuala Lumpur by the Prime Minister of Malaysia, Dato' Seri Abdullah Ahmad Badawi, with three pilot projects having been identified for implementation in the first place, one each in Bangladesh, Mauritania and Sierra Leone.

78. The Meeting recalled the adoption of the United Nations General Assembly resolution 57/337 of 3 July 2003 on the "Prevention of Armed Conflict" which reaffirmed the inadmissibility of the acquisition of territory by force and the need to bring an end to situations of foreign occupation as a commitment by the international community to promote the culture of conflict prevention.

79. The Meeting called on United Nations Member States for the full implementation of the resolutions and the decisions of the United Nations Educational, Scientific and Cultural Organization (UNESCO) concerning the return of cultural properties to the peoples who were or still under colonial rule or foreign occupation. It also stressed the need for UNESCO to identify the stolen or illegally exported cultural properties in accordance with the relevant conventions on the subject. It emphasized the need to expedite the process of returning these properties to their countries of origin, in compliance with the resolutions of the United Nations General Assembly. It further emphasized the right of the Islamic countries to maintain and conserve their national heritage, as it constitutes the foundation of the cultural identity of these countries.

80. The Meeting expressed utmost appreciation for H.E. Dr. Mustapha Othman Ismael, Minister of Foreign Affairs of the Republic of the Sudan on the occasion of the end of his mandate. The Meeting also appreciated his invaluable initiatives and his outstanding role in activating the OIC activities and promoting Joint Islamic Action throughout his mandate as a Foreign Minister.

81. The Meeting expressed appreciation and satisfaction for the performance of the Permanent Observer Mission of the OIC to the United Nations in New York in discharging its duties in conformity with the resolutions of the OIC Summit and Ministerial Conferences.

82. The Meeting adopted the reports issued by:

I- The Six-Member Committee on Palestine (Annex – I).
II- The Contact Group on Jammu and Kashmir (Annex-II.
III- The Contact Group on Somalia (Annex-III).
IV- The Contact Group on Sierra Leone (Annex-IV).
V- The Open-ended Working Group on UN Reform (Annex-V).